

The Argument

T R Y A L

A N D

CONDEMNATION

April the 10th. 1696.

I Do Appoint *Samuel Heyrick*, and *Isaac Cleve*, to
Print the Tryal of *Sir William Parkins*, Knight,
and Order that no other Person presume to Print
the same.

J. Holt.

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5
The Arraignment,

T R Y A L

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CONDEMNATION

O F

Sir William Parkins *K^{nt}*.

For the Most Horrid and Barbarous

CONSPIRACY

To *Affassinate* His Most Sacred M A J E S T Y

KING WILLIAM;

And for Raifing of *Forces*, in order to a

REBELLION,

And Encouraging a

French INVASION

Into this KINGDOM.

Who was found Guilty of HIGH-TREASON,

March 24. 1695. At the Sessions-House in the Old-Baily.

TOGETHER

With a true Copy of the PAPERS delivered by Sir *William Parkins*, and Sir *John Friend*, to the Sheriffs of *London* and *Middlesex*, at the time of their Execution.

L O N D O N.

Printed for *Samuel Heyrick*, at *Grays-Inn Gate* in *Holbourn*, and
Isaac Cleve, at *Serjeants-Inn Gate* in *Chancery-Lane*. 1696.

T R Y A L

CONDEMNATION

Sir William Parkins &c

For the Most Horrid and Barbarous

CONSPIRACY

To Assassinate His Most Sacred Majesty

KING WILLIAM

And for Raising of Forces, in order to a

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L O N D O N
Printed for Samuel Ibbick, at Gunpowder Square in Whitehall, and
at the Sign of the Crown in St. Dunstons Church, in the Strand, 1695.

*Die Martis Vicesimo quarto Martij Anno Dom. 1695.
Anno Regni Regis Willielmi Tertij Septimo.*

This Day the Trial of Sir William Parkyns came on at the Sessions-House in the Old-Baily, for High-Treason, in Conspiring the Death of the King, and Promoting a French Invasion for the Restoring the late King James.

Cl. of Arr. **C**ryer, make Proclamation.

Cryer. Oyez, Oyez, Oyez, All manner of Persons that have any thing more to do at this General Sessions of the Peace, Sessions of Oyer and Terminer, holden for the City of London, and County of Middlesex, holden for the City of London, and County of Middlesex, and were Adjourned over to this day; Draw near, and give your attendance, for now they will proceed to the Pleas of the Crown for the same City, and County; and God save the King.

Cl. of Arr. Middlesex. Cryer, Make proclamation.

Cryer. Oyez. You good men of the County of Middlesex, summoned to appear here this day, to try between our Sovereign Lord the King, and the Prisoner that shall be at the Bar; answer to your names as you shall be called, every man at the first Call, upon pain and peril shall fall thereupon.

Then the Jury that were Returned in the Pannel were all called over, and the Appearances of those who answered to the Call, were recorded.

About Ten of the Clock the Judges (to wit) the Lord Chief Justice Holt, the Lord Chief Justice Treby, and Mr. Justice Rokeby, came into the Court.

Cl. of Arr. Set Sir William Parkyns to the Bar (which was done.)

Sir William Parkyns, Hold up thy Hand.

Parkyns, My Lord, if you please, I humbly beg the favour of one word before I am Arraigned. My Wife coming to see me in my Distress, sent up a Trunk of Linnen for our use, and the Sheriffs of London have seized it, and do detain it. It has Linnen in it, and all her necessary things, and all things have been torn from me, since I was Apprehended, but what is there. I have nothing to subsist upon but what is there, for no Money can I get from any body, no body will pay us a farthing.

Mr. Sh. Buckingham, My Lord, We were sent for to Mr. Secretary Trumball's Office, and when we came there, there was a Trunk that had been seized as belonging to Sir William Parkyns; and when we came thither it was opened, and there was in it some Household Linnen, and some Plate; and Mr. Secretary Trumball was pleased after having searched the Trunk, to Seal it up, and Deliver it to my Brother and me, to be kept; and this is all we know of it.

L. C. J. Holt. Where was this Trunk Seized?

Mr. Sh. Buckingham, We found it in the Secretaries Office, and it was Delivered to us there, and we gave a Receipt for it to bring it down again when called for; we did not Seize it.

L. C. J. Holt. Look ye see Sir William Parkyns, your Trunk was Seized I suppose in order to search for Papers.

Parkyns, Yes, I believe it was; but I hope it shall be Delivered back now, they have found nothing in it, and I have nothing else to subsist upon but what is there.

L. C. J. Holt. Is there any Plate there? What is there in the Trunk?

Mr. Sh. Buckingham. There is some Diaper and Damask Linnen, a Carpet, and some pieces of Plate, two or three hundred Ounces of Plate, for ought I know. We had it from the Secretaries Office; we did not seize it.

Then the Judges consulted among themselves.

L. C. J. Holt. He ought to have his Plate to sell, to support him that he may have Bread.

Parkyns. Will Your Lordship please to direct the Sheriff to deliver it back.

L. C. J. Holt. Well, some care or other shall be taken in it.

Parkyns. My Lord, I have nothing to subsist upon, unless I can make something of what is there; I have a Wife, and four Children, and nothing to subsist upon.

L. C. Just. Holt. Let your Wife make application for it at the Secretary's, it cannot now be done here. Why did you not make complaint of it before? If you had, care had been taken in it.

Parkyns. I was told there was a Petition; for, my Lord, I was a close Prisoner, and they told me there was a Petition; but my Wife never mentioned any thing of it to me while afterwards; and they talk'd of an Order of Council that they had for the Sheriff's seizing it; but when I came to inquire into it, there was no Order about it, but only to search and examine it.

L. C. Just. Holt. Well, some order shall be taken about it.

Mr. Sh. Buckingham. My Lord, we have given a Receipt to the Secretary for it.

L. C. Just. Holt. But he must have wherewithal to subsist and buy him Bread while he is in Prison.

Mr. Sh. Buckingham. My Lord, I see *Mr. Burleigh* there, who was *Sir John Friend's* Solicitor; I would humbly move your Lordship, that it may be enquired into how he came by the Pannel of the Jury Yesterday; for it seems to reflect upon us, as if we had given the Prisoner a wrong Pannel.

Mr. J. Rokeby. No, I think there can be no Reflection upon you; but I think it would be very proper to have the matter examined.

L. C. Just. Holt. Aye, let *Burleigh* come in; (*Which he did.*) Pray, how came you by that Pannel which you gave to *Sir John Friend*?

Burleigh. My Lord, I had Three several Copies sent me by *Sir John Friend's* Friends, to the Horn Tavern about three or four a clock, and I delivered one of them to *Sir John Friend*; but he had one before I delivered mine.

L. C. Just. Holt. Who sent them to you, or brought them to you?

Burleigh. I had them brought to me by a Porter.

Mr. Baker. You know you might have had it from the proper Officer for asking.

Burleigh. I had them brought me from *Sir John Friend's* Friends.

L. C. J. Holt. Can you tell who had it from the Sheriff?

Burleigh. My Lord, I know not: I had Three Copies sent me in a quarter of an hours time; whence they came, I know not; the Sheriff knows me, and every body else.

Mr. Sh. Buckingham. I do know you, and would have you be fair in your Practice.

Mr. Baker. The Enquiry is made, because a false Copy is put upon him; you might have had a true Copy if you had applied your self right,

Burleigh. I sent to *Mr. Farrington* for it.

L. C. Just. Holt. The Sheriff delivered it the Secondary, who is the proper Officer.

Mr. J. Rokeby. *Sir John Friend* said, he had it from him yesterday.

Burleigh. But he had one before; how he came by it, I can't tell; nor whence those came that were brought to me.

Mr. J. Rokeby. If you will not take care to go to the right place, it is no-body's fault but your own, if you suffer by it.

Burleigh. I was with my Lady, and delivered a Petition for this Trunk.

L. C. Just. Holt. But it seems it was under the Conuzance of the Secretary, and direction was given to go thither; some care or other must be taken in it, and shall; but go on now to Arraign the Prisoner.

Cl. of Arr. Hold up thy hand, (*which he did*); Thou standest Indicted in *Middlesex*, by the name of *Sir William Parkyns*, late of the Parish of *St. Paul Covent Garden*, in the County of *Middlesex*, Kt. for that, whereas an open, and notoriously publick, and most sharp, and cruel War for a long time hath been, and yet is, by Sea, and by Land, had, carried on, and prosecuted by *Lewis the French King*, against the most Serene, most Illustrious, and most Excellent Prince, our Sovereign Lord *William the Third*, by the Grace of God, of *England, Scotland, France, and Ireland*, King, Defender of the Faith, &c. During all which time, the said *Lewis the French King*, and his Subjects were, and yet are Enemies of our said Lord the King that now is, and his Subjects, You the said *Sir William Parkyns*, a Subject of our said Sovereign Lord the King, that now is, of this Kingdom of *England*, well knowing the Premises, not having the fear of God in your Heart, nor weighing the Duty of your Allegiance, but being moved and seduced by the Instigation of the Devil, as a false Traytor against the said most Serene, most Clement, and most Excellent Prince, our said Sovereign Lord *William the Third*, now King of *England, &c.* your Supreme, True, Natural, Rightful, Lawful, and Undoubted Sovereign Lord; the cordial Love, and true and due Obedience, Fidelity and Allegiance, which every Subject of our said Lord the King that now is, towards him our said Lord the King, should bear, and of right ought to bear, withdrawing, and utterly to extinguish intending; and contriving, and with all your strength purposing, designing, and endeavouring the Govern-

ment

ment of this Kingdom of *England*, under him our said Lord the King that now is of Right, duly, happily, and very well Established, altogether to Subvert, Change, and Alter; as also the same our Sovereign Lord the King to Death and final Destruction to put and bring; and his Faithful Subjects, and the Freemen of this Kingdom of *England*, into intolerable and most miserable Slavery, to the aforesaid *French King*, to Subdue, and bring; the first day of *July*, in the Seventh year of the Reign of our said Sovereign Lord the King that now is, and divers other days and times, as well before as after, at the Parish of *St. Paul Covent-Garden*, aforesaid, in the County aforesaid, falsely, maliciously, devilishly, and traiterously, did compass, imagine, contrive, purpose, design, and intend, our said Sovereign Lord the King that now is, then your Supreme, True, Natural, Rightful, and Lawful Sovereign Lord, of and from the Regal State, Title, Honour, Power, Crown, Command, and Government of this Kingdom of *England*, to Depose, cast Down, and utterly to Deprive; and the same our Sovereign Lord the King to Kill, Slay, and Murder; and the aforesaid *Lewis the French King*, by his Armies, Soldiers, Legions, and Subjects, this Kingdom of *England* to Invade, Fight with, Conquer, and Subdue, to move, stir up, procure, and aid; and a miserable slaughter among the Faithful Subjects of our said Lord the King throughout all this whole Kingdom of *England*, to make and cause; and that you the said *Sir William Parkyns*, to the aforesaid Enemies of our said Lord the King that now is, then and there, during the War aforesaid, Traiterously were adhering and aiding; and the same most abominable, wicked and devilish Treasons, and traiterous compassings, contrivances, intentions, and purposes of yours aforesaid, to fulfil, perfect, and bring to effect; and in prosecution, performance, and execution of the traiterous adhesion aforesaid, you the said *Sir William Parkyns*, as such a false Traytor, during the War aforesaid, to wit, the same first day of *June*, in the year aforesaid, at the Parish aforesaid, in the County aforesaid, and divers other days and times, as well before as after, there and elsewhere in the same County, falsely, maliciously, advisedly, secretly, and traiterously, and with Force and Arms, with one *Robert Cbernock* (late of High-Treason, in contriving, and conspiring the Death of our said Sovereign Lord the King that now is, duly convicted and attainted) and with divers other false Traytors, to the Jurors unknown, did meet, propose, treat, consult, consent, and agree, to procure from the aforesaid *Lewis the French King*, of his Subjects, Forces, and Soldiers, then and yet Enemies of our said Lord the King that now is, great numbers of Soldiers and Armed men, this Kingdom of *England* to Invade and Fight with, and to levy, procure, and prepare great numbers of Armed men, and Troops, and Legions against our said Sovereign Lord the King that now is, to rise up and be formed; and with those Enemies at and upon such their Invasion and Entrance into this Kingdom of *England*, to join and unite; Rebellion and War against him our said Sovereign Lord the King, within this Kingdom of *England*, to make, levy, and wage; and the same our Sovereign Lord the King so as aforesaid to Depose, and him to Kill and Murder. And further, with the said false Traytors, the same first day of *July*, in the year aforesaid, at the Parish aforesaid, in the County aforesaid, Traiterously you did consult, consent, and agree to send the aforesaid *Robert Cbernock* as a Messenger from you the said *Sir William Parkyns*, and the same other Traytors unknown, as far as, and into the Kingdom of *France*, in parts beyond the Seas, to *James the Second*, late King of *England*, to propose to him, and desire of him to obtain of the aforesaid *French King*, the Soldiers and Armed men aforesaid, for the Invasion aforesaid to be made; and Intelligence and Notice of such their Traiterous Intentions, and Adhensions, and all the Premises to the said late King *James*, and the said other Enemies and their Adherents, to give and exhibit; and them to inform of other things, particulars, and circumstances thereunto relating, as also Intelligence from them of the said intended Invasion, and other things and circumstances concerning the Premises, to receive, and them to you the said *Sir William Parkyns*, and the said other Traytors in this Kingdom of *England*, to signify, report, and declare, in Assistance, Animation, and Aid of the said Enemies of our said Sovereign Lord the King that now is, in the War aforesaid, and to stir up and procure those Enemies the more readily and boldly this Kingdom of *England* to Invade, the Treasons and Traytorous Contrivances, Compassings, Imaginations, and Purposes of you the said *Sir William Parkyns* aforesaid, to perfect and fulfil, and all the Premises the sooner to execute, manage and perform, and the Invasion aforesaid to render and make the more easy, you the said *Sir William Parkyns*, afterwards,

to

to wit, the 10th day of February in the year abovesaid, at the Parish abovesaid, in the County abovesaid, and divers other days and times, as well before as after, there and elsewhere in the same County, Falsly, Maliciously, Advisedly, Secretly, Traiterously, and with Force and Arms, with the abovesaid Robert Cbernock, and very many other false Traytors, to the Jurors unknown, did Meet, Propose, Treat, Consult, Consent, and Agree, him our said Sovereign Lord the King that now is, by lying in wait, and deceit, to Assassinate, Kill and Murder; and that execrable, abominable, and detestable Assassination, and Killing the sooner to execute, and perpetrate, afterwards, to wit, the same day and year, there Traiterously you did Treat, Propose, and Consult with those Traytors, of the Ways, Methods, and Means, and the Time and Place where, when, which way, and how our said Sovereign Lord the King, so by lying in wait, the sooner might be Killed, and Slain, and did Consent, Agree, and Assent with the same Traytors, that Forty Horsemen, or thereabouts, of those Traytors, and others by them, and you the said Sir William Parkyns, to be Hired, Procured, and Paid, with Guns, Carbines, and Pistols, with Gun-Powder and Leaden-Bullets Charged, and with Swords, Rapiers, and other Weapons Armed, should lie in wait, and be in Ambush, our said Lord the King in his Coach being, when he should go abroad, to Attack, and that a certain, and competent number of those Men so Armed, should set upon the Guards of our said Lord the King then, and there attending him, and being with him, and should Over-power and Fight with them, whilst others of the same Men so Armed, him our said Lord the King should Kill, Slay, and Murder; and that you the said Sir William Parkyns, then and there, did take upon you to provide Five Horses for those Men which should so kill and murder our said Sovereign Lord the King; And also that you the said Sir William Parkyns, your Treasons, and all your Trayterous Intentions, Designs and Contrivances abovesaid, to execute, perpetrate, fulfil, and bring to effect afterwards, to wit, the Day and Year last abovesaid, at the Parish abovesaid, in the County abovesaid, Divers Horses, and very many Arms, Guns, Carbines, Rapiers and Swords, and other Weapons, Ammunition, and Warlike Things, and Military Instruments falsly, maliciously, secretly, and Trayterously did obtain, buy, gather, and procure, and to be bought, obtained, gathered, and procured did cause, and in your Custody had and detained, with that Intention therein, and about the detestable, abominable, and execrable Assassination, Killing, and Murder of our said Lord the King, and the Invasion abovesaid, as abovesaid, to use, employ, and bestow; and also your Treasons, and all your Traiterous Intentions, Purposes, and Contrivances abovesaid, to execute, perpetrate, fulfil, and fully bring to effect; you the said Sir William Parkyns afterwards, to wit, the day and year last abovesaid, at the Parish abovesaid, in the County abovesaid, Falsly, Maliciously, Advisedly, Secretly, and Traiterously, divers Soldiers, and Men Armed, and ready to be Armed, after the said detestable, abominable, and execrable Assassination, Killing, and Murder of our said Sovereign Lord the King, so as abovesaid should be done, perpetrated, and committed, to Rise, and Muster, and War and Rebellion within this Kingdom of England to make, and wage, and with the Enemies of our said Lord the King, Foreigners and Strangers, Subjects and Soldiers of the said Lewis the French King, being about to invade this Kingdom of England, at and upon their Invasion and Entrance into this same Kingdom then expected to be shortly made, themselves, together with you the said William Parkyns to Join and Unite, and into Troops and Legions to form, you did Levy, List, and Retain, and did procure to be Levied, Listed, and Retained, and those Soldiers and Men for the Treasons, Intentions, and Purposes abovesaid, then, and there, and afterwards in Readiness you had; Against the Duty of Your Allegiance, and against the Peace of our said Sovereign Lord the King that now is, His Crown and Dignity; As also against the Form of the Statute in this Case made and provided.

How say'st thou, Sir William Parkyns, Art thou Guilty of this High-Treason whereof thou standest Indicted, or Not Guilty?

Parkyns. Not Guilty.

Cl. of Arr. Culprin. How wilt thou be Teyed?

Parkyns. By God and my Country.

Cl. of Arr. God send thee good Delivernance.

Parkyns. My Lord, If your Lordship pleases to favour me with a Word or two.

L. C. Just. Habb. Aye, What say you Sir?

Parkyns.

Parkyns. My Lord, I have been kept in hard Prison ever since I was Committed, no Body has been suffer'd to come to me till *Fryday* last, then my Counsel came to me; and being charg'd with many Facts as I see in this Indictment, it will be necessary to have divers Witnesses to clear my self of these Particulars; they are dispers'd up and down, and I have had no time to look after them, and therefore I beg your Lordship to put off my Tryal till another Day.

L. C. J. Holt. When had you first notice of your Tryal?

Parkyns. The first Notice of my Tryal was on *Wednesday* last, in the Afternoon.

L. C. J. Holt. That is a sufficient time of Notice, sure you might have provided your Witnesses, and prepar'd for it by this Time.

Parkyns. But, my Lord, being kept so close Prisoner, I had no Opportunity for it; for it was not possible for me to get any Body to come to me, till *Friday* Noon, not so much as my Counsel, and then there was but Two Days, *Saturday* and *Monday*, (for *Sunday* is no Day for any Business) and it is impossible for me to be ready in the Manner that I ought to be. It is a perfect Diltrefs, and Hardship upon me, to be put so soon upon my Tryal, without my Witnesses, and what should enable me to make my Defence; therefore I humbly intreat your Lordship to put it off till another Day.

L. C. J. Holt. What Witness do you want, Sir William?

Parkyns. I have divers Witnesses, my Lord, that can give an Account where I was from Time to Time, but they are many of them out of Town, and I have sent about every way, but cannot get them together in so short a Time.

L. C. J. Holt. When had he Notice of his Tryal?

Mr. Baker. On *Wednesday* I told him that he must expect to be try'd this Day, and withal, that if he would name me any Counsel, that he would have come to him, he should have an Order next Morning for them.

L. C. J. Holt. You were told, it seems, on *Wednesday* that you might have what Counsel you would.

Mr. Baker. And he had an Order upon *Thursday* Morning for his Counsel.

Parkyns. I could not have it without Application to the Court at *White Hall*, and could have no body come to me, till *Thursday*, and it was *Fryday* before I could get my Counsel to me.

L. C. J. Holt. You might have sent for your Witnesses on *Thursday*, and employ'd some body about that Matter then.

Parkyns. The Solicitor that I employ'd was employed otherways, and I could not employ any body else.

L. C. J. Holt. Yes, you might have employed any other about that Business.

Parkyns. I had no body to send, I was kept close, and no body permitted to come to me.

L. C. J. Holt. Your Solicitor you desir'd had Leave to come to you.

Mr. Baker. You know that those you sent for, you had an Order for.

Parkyns. I could not get him till *Thursday* to me, I had no Messengers to send till then.

Mr. Baker. I gave the Keeper Direction, to let him have Persons come to him to send on any Errand.

L. C. J. Holt. The Keeper had Orders, it seems, to let any Messenger come to you, and he would have help'd you, to some body to send of this Errand to be sure.

Keeper. I always did it, as soon as I know they have Notice of their Tryal.

Parkyns. But the Keeper is not always in the Way, and besides, when I had Notice given me of my Tryal, it was Execution Day, and he was not at home that Day.

L. C. J. Holt. He names no Witnesses, only he says he has divers Witnesses, neither is there any Oath made of any Witnesses: Pray how long is it since you were Committed?

Parkyns. I was Committed this Day Fortnight.

L. C. J. Holt. Your Commitment charg'd you with High Treason, and therefore you knew what you stood accus'd of, were you not committed for High Treason.

Parkyns. Yes my Lord, I believe I was.

Mr. Sol. Gen. My Lord, he had a very fair Time to prepare for his Defence, for he saw his Name in the Proclamation a good while before he was taken, and there it is declar'd, what he stands charg'd with.

L. C. J. Holt. You might have had a Copy of your Commitment, you had a Right to have it, and thereby you might have seen what you were accus'd of.

Keeper. We never do deny it, if it be demanded.

L. C. J. Holt. You cannot deny it, you know what Penalty you are under if you do.

Parkyns. No body was permitted to come to me.

L. C. J. Holt. You might have ask'd for a Copy, or any body else, for you had Notice of your Tryal so long ago as *Wednesday* last.

Mr. Baker. I gave him Notice of his Tryal on *Wednesday*, and then told him he must prepare for it against this Day; he said he would endeavour to Petition for a longer Time, I told him it would be in Vain, for he must prepare for his Tryal to Day, and could have no longer Time.

L. C. J. Holt. Sir *William*, truly we do not see any Reason to put off the Tryal upon these Suggestions.

Parkyns. My Lord, it is very hard; then I humbly beg I may have the Favour, that I may have Counsel allow'd me, I have no skill in Indictments.

L. C. J. Holt. We cannot allow Counsel.

Parkyns. My Lord, if I have no Counsel, I do not understand these Matters, nor what Advantage may be Proper for me to take in these Cases.

L. J. Holt. You are not ignorant, Sir *William*, that Counsel has been always refused when desired in such Cases.

Parkyns. My Lord, there is a new Act of Parliament that is lately made, which allows Counsel.

L. C. J. Holt. But that does not commence yet, Sir *William*.

Parkyns. My Lord, it wants but one Day.

L. C. J. Holt. That is as much as if it were a much longer time: for we are to proceed according to what the Law is, and not what it will be.

Parkyns. But it is declarative of the Common Law, because it says it was always just and reasonable.

L. C. J. Holt. We cannot alter the Law till Law makers do it.

Parkyns. Will your Lordship be pleased to let it be read?

L. C. J. Holt. Aye, if you have a Mind to it, it shall be read.

Parkyns. Yes, if your Lordship pleases.

L. C. J. Holt. Read it.

Cl. of Ar. Reads. An Act for Regulating of Tryals in Cases of Treason, and Misprision of Treason.

All the first Paragraph of the New Act was read.

L. C. J. Holt. Look ye, Sir *William Parkyns*, this Law has not taken any Effect as yet; but the Law stands as it did before the making of this Act.

Parkyns. But, My Lord, the Law says it's just and reasonable that it should be so.

L. C. J. Holt. We go according to the Law as we find it is.

Parkyns. And, My Lord; what is just and reasonable to Morrow, sure is just and reasonable to Day, and your Lordship may indulge me in this Case, especially when you see how streight Notice I have had, and what a little time has been allowed me, that I am not able to make my defence.

L. C. J. Holt. We cannot make a Law, we must go according to the Law, that must be our Rule and Direction.

Parkyns. Yes, my Lord, but what is just and reasonable, sure is Law: the Law is grounded upon Reason.

L. C. J. Holt. The Parliament has thought fit to make such a Law, which is to commence from the 1st of this Month: It is not a Law till the time comes that the Parliament hath appointed for its being a Law.

Parkyns. But, my Lord, if my Notice had been a convenient Notice, I had been within the time limited by the Act of Parliament; and no one can want the Advantage of that Act from henceforward, nor suffer for such want but my self, which is a particular Hardship upon me.

L. C. J. Holt. We cannot alter the Law, we are bound by our Oaths to proceed according to the Law as it is at present.

Parkyns. Pray, my Lord, let the Tryal be put off till another Day then.

L. C. J. Holt. You shew no reason for it; you name no Witnesses that you want, nor have we any Oath as we ought to have in such a Case.

Parkyns. I will do both if your Lordship will oblige me to it.

L. C. J. Holt. There ought to be an Oath certainly, but we think you have had fair and convenient Notice: For you have had as much Notice as Sir *John Friend* had, who was tryed Yesterday.

Parkyns. As I am informed he was charged with single Facts about the Town, but I am charged with many particular Things more than he was.

L. C. J. Holt. The Act of Parliament says nothing of Notice of Tryal; that still continues as it was before; and you have had very convenient Notice: Go on Mr. *Hardesty* to swear the Jury.

Cl. of Ar.

Cl. of Ar. Sir William Parkyns, you the Prisoner at the Bar, Those Men that you shall hear called and personally appear, are to pass between our Sovereign Lord the King and you upon Tryal of your Life and Death; if therefore you will challenge them or any of them, you are to speak unto them as they come to the Book to be sworn, and before they be sworn.

Parkyns. I hope your Lordship will be of Counsel for me then.

L. C. J. Holt. So we will, we will do you all the Right we can. Look ye, you know you may challenge 35 without Cause, and as many as you will with Cause, but no more than 35 without Cause.

Cl. of Ar. Sir Goddard Nelbrop.

Parkyns. I accept against him.

Cl. of Ar. Leonard Hancock, Esq;

Parkyns. I except against him, he is the King's

Cl. of Ar. William Wubbers, Esq;

Parkyns. I challenge him. (Servant.

Cl. of Ar. Samuel Powel, Esq;

Parkyns. I challenge him.

Cl. of Ar. William Northey, Esq;

Parkyns. Well, I don't except against him.

Cl. of Ar. Hold Mr. Northey a Book (which was done.) Look upon the Prisoner. You shall well and truly try, and true Deliverance make between our Sovereign Lord the King and the Prisoner at the Bar, whom you shall have in Charge according to your Evidence, to help you God.

Cl. of Ar. Thomas Trench.

Parkyns. I challenge him.

Cl. of Ar. John Wolfe.

Parkyns. I challenge him.

Cl. of Ar. James Boddington.

Parkyns. I challenge him.

Cl. of Ar. John Smith.

Parkyns. I challenge him.

Cl. of Ar. Edward Gould.

Parkyns. I have no Exception against him. (he was sworn.

Cl. of Ar. John Raymond.

Parkyns. I challenge him.

Cl. of Ar. Daniel Thomas.

Parkyns. I have no Exception against him (he was Sworn.

Cl. of Ar. Isaac Hmeywood.

Parkyns. I challenge him.

Cl. of Ar. William Underwood.

Parkyns. I challenge him.

Cl. of Ar. Arthur Bayley.

Parkyns. I challenge him.

Cl. of Ar. Nebemiah Erming.

Parkyns. I challenge him.

Cl. of Ar. John Webber.

Parkyns. I challenge him.

Cl. of Ar. John Cane.

Parkyns. I have no Exception to him.

Mr. At. Gen. We challenge him for the King.

Cl. of Ar. Thomas Glover.

Parkyns. I challenge him.

Cl. of Ar. Henry Witchcott.

Parkyns. I have no Objection against him (he was Sworn.

Cl. of Ar. Timothy Thornbury.

Parkyns. I challenge him.

Cl. of Ar. Dormer Sheppard.

Parkyns. I challenge him.

Cl. of Ar. John Temple.

Parkyns. I challenge him.

Cl. of Ar. Nathaniel Gold.

Parkyns. I have no Exception against him.

Mr. Gold. My Lord, I am no Freeholder in this County.

Mr. Baker. Nor have you no Copyhold, Sir?

Mr. Gold. Yes Sir I have.

Mr. At. Gen. However let him be set by.

Cl. of Ar. Robert Breedon.

Parkyns. I challenge him.

Cl. of Ar. Thomas Taylor.

Parkyns. I challenge him, he is the King's Servant.

Cl. of Ar. Joseph Blissett.

Parkyns. I challenge him.

Cl. of Ar. John Billier.

Parkyns. I challenge him.

Cl. of Ar. Francis Chapman.

Parkyns. I challenge him.

Cl. of Ar. John Cleeve.

Parkyns. I challenge him.

Cl. of Ar. Robert Bamptom.

Parkyns. I have no exception to him. (He was Sworn.

Cl. of Ar. William Atlee.

Parkyns. I challenge him.

Cl. of Ar. Thomas Sutton.

Parkyns. I have no Exception to him. (he was Sworn.)

Cl. of Ar. Thomas Edlin.

Parkyns. I have no Exception against him. (he was Sworn.)

Cl. of Ar. Robert Sanderson.

Parkyns. I have no Exception against him. (he was Sworn.)

Cl. of Ar. Ralph Marsh.

Parkyns. I have no Exception against him. (he was Sworn.)

Cl. of Ar. Richard Bealing.

Parkyns. Pray Mr. Hardistey, how many have I Challeng'd?

Mr. Hardistey. I will tell you presently, Sir. — You have Challeng'd 25.

Parkyns. But there are two that I gave reason for; Do you put them in among them? that is, Mr. Hancock and Mr. Taylor, as the King's Servants.

Cl. of Ar. You may speak to my Lord about it; but if that be allow'd, then there are but twenty three.

Parkyns. Well Sir, Go on then.

Cl. of Ar.

Cl. of Ar. Richard Bealeing.

Parkyns. I challenge him.

Cl. of Ar. William Partridge.

Parkyns. I challenge him.

Cl. of Ar. Nicholas Roberts.

Parkyns. I challenge him.

Cl. of Ar. Peter Lavigne.

Parkyns. I challenge him.

Cl. of Ar. Joseph Whiston.

Parkyns. I have no Exception to him. (*he was Sworn.*)

Cl. of Ar. Andrew Cook.

Parkyns. I challenge him.

Cl. of Ar. Samuel Hooper.

Parkyns. I challenge him.

Cl. of Ar. Thomas Heames.

Parkyns. I have no Exception to him. (*he was Sworn.*)

L. C. J. Holt. Sir William Parkyns, you have Challenged two, and have assign'd the Cause of your Challenge, that is, *Hancock* and another, and the reason of your Challenge is, because they are the King's Servants. I am to acquaint you, that is no cause of Challenge; but however the King's Counsel do not intend to insist upon it, if there are enough besides. They are willing to go on with the Pannel; and I speak this because I would not have it go for a President, nor have it understood that the Cause you assign is a good Cause: but however they will not stand with you, if there be enough to serve.

Parkyns. My Lord, I submit to it; the Jury is full I think.

Cl. of Ar. No, there are but Eleven sworn yet.

Parkyns. But how far have I gone in my Challenges?

Cl. of Ar. There are four which you may Challenge more.

Parkyns. There are two allow'd me, tho' it be not a Precedent: Are there four still?

Cl. of Ar. Yes, you may Challenge four more, and no more. *Edward Townsend*

Parkyns. I challenge him.

Cl. of Ar. Nicholas Rufford.

Parkyns. I have no Exception against him. (*he was Sworn.*)

Cl. of Ar. Cryes Countez. *William Northey.*

Cryer. One, &c. (*and so the rest till the Twelfth.*)

Cl. of Ar. Nicholas Rufford.

Cryer. Twelve good Men and true, stand together, and hear your Evidence.

Cl. of Ar. Cryer, make Proclamation.

Cryer. Oyez. If any one can inform my Lords the King's Justices, the King's Serjeant, the King's Attorney General, or this Inquest now to be taken, of the High-Treason whereof the Prisoner at the Bar stands indicted, let them come forth, and they shall be heard; for now the Prisoner stands at the Bar upon his Deliverance, and all others that are bound by Recognizance to give Evidence against the Prisoner at the Bar, let them come forth, and give their Evidence, or else they forfeit their Recognizance. And all Jurymen of *Middlesex* that have appeared, and are not Sworn, may depart the Court.

The Names of the Twelve Sworn were these,

William Northey, Esq;

Edward Gold, Esq;

Daniel Thomas, Esq;

Henry Whitcomb, Esq;

Robert Bampton, Gent.

Thomas Sutton, Gent.

Thomas Edling, Gent.

Robert Sanderson, Gent.

Ralph Marsh, Gent.

John Whiston, Gent.

Thomas Heams, Gent. and

Nicholas Rufford, Gent.

C. L. of Ar. Sir William Parkyns, hold up thy Hand (*which he did.*) You that are sworn look upon the Prisoner, and hearken to his Cause: he stands Indicted by the Name of Sir William Parkyns, late of the Parish of St. Paul Covent-Garden, in the County of *Middlesex*, Knight, that whereas (*prout in the Indictment, mutatis mutandis,*) and against the Form of the Statute in this Case made and provided. Upon this Indictment he hath been Arraign'd, and thereunto hath Pleaded not Guilty, and for his Tryal hath put himself upon God and his Country, which Country you are; your Charge is to inquire, whether he be Guilty of the High-Treason whereof he stands Indicted, or not guilty; if you find that he is Guilty, you are to inquire what Goods, and Chattels, Lands, and Tenements, he had at the Time of the High-Treason committed, or at any time since: If you find him not Guilty, ye are to inquire whether he fled for it; if you find that he fled for it, you are to inquire of his Goods and Chattels, as if you had found him Guilty; if you find him not Guilty, nor that he did flye for it, you are to say so, and no more, and hear your Evidence.

Mr. Montague. May it please your Lordship, and you Gentlemen of the Jury.

Parkyns. My Lord, your Lordship was pleas'd to say you would be my Counsel. I am Ignorant in Matters of Indictments; I beg if there be any Fault in it, you will let me know it.

L. C. J. Holt. Truly I have observ'd no Fault in it; I do not know of any.

Mr. Montague. Gentlemen, this Indictment does contain as heavy an Accusation, as can be laid upon any Man, for it not only charges the Prisoner with a Traiterous design of subverting the Government, and raising

War and Rebellion within the Kingdom ; which was to be done by adhering to the King's Enemies, and promoting a Forreign Invasion, but likewise with a Conspiracy against the Life of the King, which was to have been taken away by a bloody Assassination.

Gentlemen, the Indictment sets forth, That Sir *Will. Parkyns*, the Prisoner at the Bar, did meet several times with *Cbernock* and other false Traytors ; and there it was consulted, and agreed how they should procure *French* Forces to Land within this Kingdom , and then they were to raise Rebellion among his Majesty's Subjects, to joyn with the Invadors. Mr. *Cbernock* was sent from the Prisoner at the Bar, and the rest, as a Messenger into *France*, unto the late King *James* to acquaint him with this Bloody Design ; and to desire him to borrow of the *French* King as many Troops as he could spare to make a Descent upon this Kingdom, and they at the same time were to facilitate the Descent, by getting as many Men as they could to make the Assassination ; and the number of Forry was pitched upon, who were to be provided for that purpose, of which the Prisoner at the Bar was to find Five, who were to lye in wait with the rest, and set upon the King as he came along in his Coach upon his Return from Hunting. Some were to assault and attack the Guards, while others were barbarously to Assassinate and Murder the King in his Coach : and particularly it Charges the Prisoner with undertaking to procure and provide Five Horses and Arms that were to be Employed in this Bloody Assassination , and also with gathering together great Quantities of Arms and Ammunition that were to be used in the Insurrection. To this Indictment the Prisoner has pleaded Not Guilty ; if he be not Guilty, God forbid he should be Convicted ; but if he be Guilty, and we prove the Fact, the Nation expects that you will do Justice to the King and Kingdom, and find him so.

Mr. Attorn. Gen. May it please your Lordship, and you Gentlemen of the Jury, the Prisoner at the Bar, Sir *William Parkyns*, stands Indicted of High Treason, for Compassing the Death of his Majesty, and adhering to his Majesty's Enemies ; and the Overt Acts laid in the Indictment to prove this Treason are, That he with others had several Meetings and Consultations about this Design, and sent a Messenger over to *France* to the late King *James*, to procure *French* Forces to Invade the Kingdom, to Depose the King, and subject the Kingdom to a *French* Power : And likewise that he did enter into a Conspiracy with several Persons for the Assassination of his Majesty's Royal Person. These are the Overt Acts mentioned in the Indictment, to prove this Charge of Treason against the Prisoner.

Gentlemen, the Evidence to prove these Overt Acts, and which we shall produce, will be in this manner. It will appear that the Prisoner at the Bar, Sir *William Parkyns*, has formerly had a Commission from King *James* to raise a Regiment of Horse, and about *May* last, he with several others had a Meeting at the *Old King's-head* in *Leadenhall-street*, where were present my Lord of *Aylesbury*, my Lord *Montgomery*, Sir *William Parkyns*, Sir *John Freind*, Sir *John Fenwick* ; Mr. *Cbernock*, Mr. *Porter*, and one Mr. *Cook* ; and *Goodman* came in to them after Dinner. And at that Meeting it was Consulted and Consented among them, how they should bring back the late King *James*, and Depose his present Majesty ; and in order to that they did Resolve to send Mr. *Cbernock* as a Messenger to the late King *James*, to desire him to obtain from the *French* King 10000 Men to Invade this Kingdom ; 8000 Foot, 1000 Horse, and 1000 Dragoons ; and to Encourage the late King to this, they did assure him by the same Messenger, that they would meet him with 2000 Horse upon his Landing ; and they did all undertake and agree that they would do it : and Mr. *Cbernock* undertook to go of this Message.

Gentlemen, about a Week after this Meeting, Mr. *Cbernock* not being willing to go upon this Errand without a good Assurance that they intended to perform what they had Resolved upon, they therefore had another Meeting of most of the same Persons that were at the former, and particularly the Prisoner at the Bar was one ; and that was at Mrs. *Mountjoyes* a Tavern in *St. James's-street*. And at that Meeting they did all agree, as formerly, and continued in their former Resolution, to send Mr. *Cbernock* to assure the late King, that they would meet him, according as they had promised, if he would give them notice where he was to Land, and he should not fail of their Assistance. And at these Meetings they did take notice, that then was the most proper time for such an Invasion ; for the King was gone to *Flanders*, most of the Forces were drawn thither, and the People were dissatisfied, and so it would be the fittest opportunity to accomplish their Design ; and they desired Mr. *Cbernock* to make haste to carry this Message, and to In-

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treat King *James* that he would be speedy and expeditious in his coming, that they might not loose this season.

Gentlemen, after these Meetings, Mr. *Chernock* did within a few days go over into *France*, and did deliver his Message to the late King *James*, who took it very kindly, but said that the *French* King could not spare so many Forces that year, having other work to Employ them about : upon which, within a Months time, or less, he came back again, and brought an account of his Message to those Gentlemen that sent him. This was in *May* or *June* last, and so the further prosecution of the Design ceast at that time.

But Gentlemen, the last Winter it was revived again, and attempted, and carried on very near to the obtaining a fatal Success. And you will hear that the Prisoner at the Bar, Sir *William Parkyns*, has had too great a hand, and been a very great Instrument in both the Parts of this wicked Conspiracy and Treason ; not only in the Invasion, which he with others sent the Messenger over to procure, but also in the other part, the blackest part, even the Assassination of the King's Person.

About *January* last Sir *George Barclay*, a Lieutenant of the Guards to King *James* in *France*, was sent over into *England* to ingage Persons to joyn in the Conspiracy and Assassination ; and for his Assistance there were sent over with him, and before and after him, some 20 Troopers of the late Kings, that were his Guards in *France*. And Sir *George Barclay* to encourage the Persons that were to joyn, and whom he had brought over with him, pretended an Authority to justify it, that is, a Commission from the late King *James*, and he Communicates this Design to Mr. *Chernock*, Mr. *Porter*, and several others, and amongst the rest to the Prisoner at the Bar, Sir *William Parkyns*, having a great Confidence in him, and did acquaint him he had such a Commission, and he shewed it him, and that Commission was to levy War against the King's Person ; which they took to be a sufficient Authority for them to Assassinate the King's Person.

Gentlemen, in order to the accomplishing this horrid Conspiracy, there were several Meetings, and Consultations had, at which the Prisoner at the Bar was present, and very active. Sometimes they met at Capt. *Porter's* Lodgings, at another time at the *Naggs-head* in *Covent-Garden*, at another time at the *Sun* in the *Strand*, and another time at the *Globe* in *Hatton-Garden*, in order to accomplish this Design : And at these Meetings, you will hear, they did propose several ways and methods for the execution of it ; and several Persons, particularly one of them that have suffered the Punishment of the Law for this, were appointed to go and view the Ground where the King's Person might most conveniently be assaulted. Mr. *King*, that was Executed for it, was one, Capt. *Porter* was another, and one *Knightly* was the third ; and these did go to see the Ground. And the day before they went there was a Meeting, at which was present the Prisoner at the Bar, and others, where-in 'twas concluded upon that they should go ; and they went accordingly to see the most convenient place for it. They went to *Brentford*, and afterwards to the other side of the Water to *Richmond*, and survey'd all the Ground, and the Place they pitch'd upon as the most proper for their purpose, was when his Majesty should Return from Hunting, to do it in the Lane betwixt *Brentford* and *Turnham-Green*. And accordingly, when they return'd in the Evening, they came by appointment to the place where the rest of the Accomplices were to meet, at the *Naggs-head* Tavern in *St. James's*, and gave an account of their Proceedings, and at that Meeting likewise was Sir *William Parkyns* the Prisoner at the Bar, Mr. *Chernock*, and several others, and upon the Report of Capt. *Porter*, and Mr. *King's* Expedition, they did Resolve the thing should be done in that place, and that it should be done in this manner.

Sir *George Barclay* with about 8 or 10 in his Party, who were to be chosen out of all the other Parties, were to assault the King's Coach, and endeavour to kill the King, and all the rest that were in the Coach with him, whilst the others, in two Parties, were to attack the Guards ; the number in all was to be about 40. This was fully agreed upon.

And, Gentlemen, the first time that they Resolved to put this Traiterous Design in Execution, was the Fifteenth of *February*, which was a *Saturday* : the usual day that the King was wont to go a Hunting in ; but it hapned by great Providence that the King did not go abroad that day.

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They had contrived further to make the thing sure, that there should be two Persons, whom they called orderly Men, who should be placed at *Kensington*, to give Notice when the King went abroad; and *Chambers* was one, and *Durance* that was a *Fleming* was another; and *Durance* was likewise employed to view the Inns about *Turnham-Green* and *Brentford*, for the lodging of their Men, who were to be placed two or three in an Inn, that they might not be observed.

Gentlemen, the first Day appointed for the accomplishing this Design, which was the 15th of *February*, being over, and they disappointed; yet they did afterwards resolve to go on and execute it. And the next *Saturday*, which was the 22th of *February*, was pitched upon for the time of Execution; and accordingly on *Friday* the 21th of *February*, the day before, there was a Meeting at the *Nag's-head* in *Covent Garden*; and there was present Sir *George Barclay*, Capt. *Porter*, and several others, and amongst the rest, the Prisoner at the Bar was there; they had at first some Discourse among them that they were in doubt, because of the first Disappointment, whether there had not been some Discovery; but that Doubt was soon over; for it was said, it could not be so, for then they should not have been there together. That seemed probable, and the Disappointment was imputed to some Accident, and that gave them new Assurance to go on, and they were resolved to do it in the same manner, as they had formerly resolved, on the next Day, which was *Saturday*.

Gentlemen, at that Meeting Mr. *Porter* acquainted them that he had the Misfortune to have some of his Horses fallen sick or lame, and he acquainted the Prisoner with it; and Sir *William Parkyns* was careful to supply him with other Horses, and told him, he could get a Note from one *Lewis*, who I think is Major of the Horse to my Lord *Feverham*, to get three Horses, and accordingly he did send a Note for three Horses to Mr. *Lewis*.

Upon the 22th of *February* in the Morning, which was the time for the Execution of this bloody Conspiracy, they had met together, and resolved to go on with it, and put it in Execution; and they had Notice from *Chambers* that the King did go a Hunting that Day, and there was great Joy among them all, thinking themselves sure; and so they ordered all things to be got ready. But afterwards, about One a Clock, there came other News, that the King did not go abroad, but the Guards were all come back in great haste, their Horses being all of a Foam, and the King's Coaches were sent back to the *Mews*; then they began to be in a great Consternation, and they thought the thing had taken Air, and was discovered. This, Gentlemen, is a short Account how it will appear upon the Evidence as to the Conspiracy of Assassinating the King, and the several Meetings and Consultations about it; at which the Prisoner at the Bar, Sir *William Parkyns*, was present.

But, Gentlemen, there will be a little more Evidence, if it be necessary, to confirm this former Evidence, and to shew the part that the Prisoner at the Bar had in this barbarous, Treasonable Conspiracy: For it will appear, that, as the Prisoner had a Commission from the late King *James* to raise a Regiment of Horse, and had sent a Messenger into *France* to invite the late King over, with 10000 French; so he had made great Preparation of Arms to be ready for that Purpose. About *Michaelmas* last, the Prisoner at the Bar sent a parcel of Goods, as he called them, which were put into Casks, I think they were about Eight small Boxes, put in very large Casks, and sent down by his Order into the Country, unto one *Haywood*. It seems this *Haywood* had married Mr. *Chernock's* Sister, and *Chernock* writ a Letter to him, and desired that he would give Sir *William Parkyns* leave to lodge some Goods there, which were of great value, and he durst not trust them at his own House in *Warwickshire*, because his Servants were not there to look after them, and accordingly upon that Letter Mr. *Haywood* did give leave that the Goods should be carried thither, and they were so, and there they were lock'd up privately, and kept till this Barbarous Conspiracy was discovered; then you will find the Prisoner at the Bar sent his own Servant down, the *Tuesday* after the Discovery, and gave him Orders immediately (his Name is *Ubanck*, and he is the Groom, and looks after his Horses) to go down to *Warwickshire* to one *Evans*, who carried the Goods, to desire him with all speed to remove those Goods, and to take care to remove them privately, and to secure them, and to hide them. And accordingly on *Wednesday* he came there, which was *Ash-Wednesday*; and acquainted *Evans* with what Sir *William* had ordered him, and they went that very Night with a Cart to Mr. *Haywood's*; and though it was late, and they were desired to stay till the next Morning, they would not; they said, they could stay no longer, but would remove the Goods
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immediately; and accordingly they were carried from thence that Night, to Sir William Parkyns own House in *Warwickshire*; and there they were buried in the Garden. These Goods that were of this great value were put into the Ground to preserve them. But after this Discovery, Sir William Parkyns being accused, and his Name put in the Proclamation, and a Search being ordered to be made at his House, these Goods that lay hid at *Haywood's*, and upon the removal thence were thus buried in the Ground, came to be discovered, and the Cases were broken open, and then they did appear to be Goods of an extraordinary Nature indeed, for you will find they were Horse Arms for Troopers; there were two and thirty Carbines, five and twenty Cases of Pistols, and about forty odd Swords without Hilts upon them, but the Hilts lay loose by them; so that this will make it apparent, without Dispute, how far the Prisoner at the Bar has engaged in this Conspiracy, and what Preparations he had made for the Execution of it.

Gentlemen, it will appear further against the Prisoner at the Bar, that he hath had a considerable Number of Horses, that have frequently been brought up from his House in *Hartfordshire* to the *George-Inn* in *Holbourn*.

But before we come to that, I would acquaint you with another particular part of our Evidence, that is precedent in point of time. About *Christmas* last, the Prisoner did acquaint one *Sweet*, who is an Officer of the Excise, (and I am very sorry that we should have any such Officers, that should be thought fit to be intrusted with Secrets of this nature) Sir William Parkyns acquainted this *Sweet*, and gave him an Account that he had long had an Assurance that King *James* would Land, but now he had it under his own Hand, that he would land very speedily, and that he had made Preparations for that purpose to meet him. That great things were expected from him; that his own Troop was ready, and it consisted chiefly of old Souldiers; and that several Persons who had been Officers would be Volunteers under him. He said, he intended to go into *Leicestershire*, and there he was to meet several Gentlemen from the North, and from the West, to consider, and settle a Correspondence how to meet the late King upon his Landing; and accordingly Sir William Parkyns did go, and you will have an account that he came to *Leicester* on Friday night, one *Scudimore* went along with him, there he staid all Saturday, and a good part of Sunday. There came several persons to him while he was at *Leicester*, particularly one Captain *Tarborough*, the Son of Sir *Thomas Tarborough*, and a Parson, who said they came as far as from *York* to meet Sir William Parkyns at *Leicester*; and there was great resort thither at that time, as you will hear from the Witnesses. Sir William Parkyns came back again from *Leicester* to *Brickhill*, that night, and returned to his own House on Monday night; and after his return, he acquainted this *Sweet*, that he had been his Journey to *Leicester*; that he met with several Gentlemen there from the North, and other places, and had settled a Correspondency, and had found them all fully Ingaged, and well Inclined, all went well, and there was no danger of any Miscarriage at all; and this was about *January* last, that this Expedition was made by the Prisoner.

And now, Gentlemen, as to that particular about the Horses, which were so frequently brought up this last Winter from his House in *Hartfordshire*, to the *George-Inn* in *Holbourn*; there is one very unfortunate Circumstance that attends this Matter; that is, that these Horses were brought to Town just the several Nights before the King was to be assassinated; for upon *Thursday* the 13th of *February*, he being in Town, sent Directions to his Groom to bring up three of his Horses on *Friday*, which was the 14th in the Afternoon, and all these Horses were furnished with Pistols and Furniture for Troopers; according to those Directions his Servant brought up the three Horses, and he came and acquainted his Master that they were brought up according to his Order; Sir William Parkyns was then at his Lodgings, which were in the same House where Mr. *Chernock* did lodge; when his Man had told him the Horses were come, he pretended at first that he had had some Thoughts of going out of Town that Evening, but that he had changed his Mind, and would go in the Morning; and he would have the Horses ready against the next Morning, which was *Saturday* the 15th, the first Day upon which the Assassination was intended to be put in Execution.

The next Morning when his Man came to him again, he had changed his Mind, and he would not go out of Town in the Morning, but he would go in the Afternoon; and it will appear that he did not go out of Town that Day, nor the next Day, nor till *Monday*; and then the Design had miscarried by the King's not going abroad a *Saturday*, and the Horses were carried back; and when he went out of Town upon *Monday*, one *Holmes* went along with him, and he went with him to his

his house in *Hartfordshire*; and there he staid until *Fryday* after, which was the Day before the next time that was appointed for the Execution of the Assassination. And upon the *Fryday* they came up again, and then there were more Horses, 4 or 5, that were brought up that Day; and all of them with Pistolls, and Jack Bootes, and other Furniture and Accoutrements for Troopers; and these came to the *George Inn*, where Sir *Wil. Parkins* gave his man *Eubank* perticuler Orders, to be very early the next Morning at *Kensington*; that was the 22^d, and he was to go; as he told him, to one *Brown*, that he said was Concern'd in the Kings Kitchen, and Liv'd 2 Doors off the Gate that turns up to the Kings house, and he was to tell him he was Sir *W. Parkins's* servant, but that he came from a man that Lodg'd at a Confectioners house over against *Grays Inn*; in which place by the Description of the person, you will find Sir *Geo. Barclay* lodged.

The man went accordingly at 8 a Clock in the Morning to *Kensington*, and inquir'd out this *Brown*, and met with him, and told him he was Sir *W. Parkins's* servant, but came from the Gentleman that Lodg'd at the Confectioners in *Holbourn*. *Brown* said he had nothing to say to him, but bid him give him his Almanack, and he writ in it, that he would be in Town in 2 hours himself, and wait upon him: And bid him carry that to the man that lodg'd at the Confectioners, and this *Brown* by the Circumstances of the whole, must probably be one of the Orderly men who lodg'd at *Kensington*, to give notice when the King, and the Gurdy went out.

Sir *Wil. Parkins's* servant came back to the Confectioners house, and there he met with a man that went by the name of *Rogers*; he'll tell you he was a *Scotch* man, for he spoke broad *Scotch*, and he'll give you a particular Description of the man, by which I believe it will appear that it was Sir *Geo. Barclay*. Sir *Wil. Parkins's* servant after he had Deliver'd his Messuage to this *Rogers*, came back to his Master, and told him he had done his Errand according as he was order'd, and Sir *Wil. Parkins* ask't him what *Rogers* said, and he told him that he bid him tell his Master, if he would come to him he would be ready at home for him. This was upon *Saturday* Morning the 22^d. of *February*.

About 11 a Clock that day Sir *Wil. Parkins*, and this *Lewis* that we spoke of before, came to the *George Inn*, and there Sir *Wil. Parkins* ask't his servant whether he had receiv'd any more then 2 Sables, for there were 2 Sables sent in thither, according to an order that hath been given, to furnish two other Horses that stood their at the *George Inn*, and which Sir *W. Parkins* told his Groom belonged to two Friends of his, and bid him before to take care of them, and to see them well fed, and order'd 2 Sables to be bought for them. *Lewis* said he did think they had more then two, but you will see by the Evidence that this same *Lewis* had provided 30 Sables for Sir *W. Parkins*; but there seem'd to be a Controversy between them and that time how many had really been sent in, and *Lewis* affirm'd there was 24, but Sir *W. Parkins* said, I have had but 22 of the 30 yet, for I have but 2 brought in here, and I had 20 before. This you will hear fully prov'd, and I think it is impossible for any body to believe, but that all this preparation of Sables, Pistols, Boots, and other things, must Convince any body of the Prisoners being so far Engaged in this Design, that he can never Answer it without giving you a very good Account, what this preparation was for.

Gentlemen, a great part of this will be prov'd to you by one that Acted in it, as a servant to Sir *W. Parkins*, that is, as to the comming up of the Horses, Jack Bootes, Pistols, and other Arms at that time; and that when on the last *Saturday* it was Disappointed, all the Horses, not only those Sir *W. Parkins* brought, but the other two went away in a great Hurry, and Confusion, and nothing was ever heard of them more; and that will be prov'd by the Servants in the very Inn.

Gentlemen, I have now open'd to you the nature and state of the Evidence, we will call our Witnesses, and make it out very undeniably, and Substantially, and therefore I will not give you any further trouble.

Mr. Sol. Gen. Call Mr. Porter (who was Sworn) Mr. Porter, pray will you give the Court and the Jury an Account of the meeting at the Kings Head in *Leaden hall street*, and who was there, and what Resolutions, and Agreements they came to.

Capt. Porter. About the latter end of *May* last, or the beginning of *June*, there were two meetings had, the one was at the Kings Head in *Leaden hall street*, the other was at Mr. Mountjoyes near Sir *John Fenwick*. At the First meeting there was my Lord of *Aylesbury*, my Lord *Montgomery*, Sir *J. Friend*, Sir *W. Parkins* the prisoner at the Barr, Sir *J. Fenwick*, Capt. *Chernock*, Mr. *Cook*, and my self. Mr. *Goodman* came in after Dinner,

and there we Consulted which was the best way for King *James's* coming in, and we all Resolv'd to send a Messenger to him to Invite him over, and to desire him to Interpose with the French King for the Getting 10000 men, to come over with him, 8000 Foot, 1000 Horse, and 1000 Dragoons. It was then Consider'd who shou'd be sent, and all the Company agreed Mr. *Chernock* was the properest person. Says Mr. *Chernock*, if you send me, pray tell me what Errand I shall go upon : We did likewise then agree, that he should assure the King, if He would come over, at such a time, we would meet Him with a body of 2000 Horse.

Mr. *Att. Gen.* Did *Chernock* undertake to go upon that Message ?

Capt. P. Yes, he Did, and to propose this matter to Him, that He might propose it to the French King for the getting of the men.

Mr. *Sol. Gen.* Before you go away, I Desire to ask of you one thing, Did Sir *Wil. Parkins* the Prisoner at the Bar agree to the Message.

Capt. P. Yes, he Did.

Mr. *Sol. Gen.* Had you any other meeting about this business, and when was it, and who was there ?

Capt. P. My Lord, Capt. *Chernock* said at first he would not go of a foolish Message, and thereupon we all agreed to be at the head of 2000 men to meet King *James* at His Landing, and every one should bring his *Quota*.

Mr. *Att. Gen.* When was the Second meeting, and where was it ; and who were there, and what was agreed upon ?

Capt. P. The second meeting was at Mrs. *Mountjoys*, where Capt. *Chernock* desir'd us once more to meet, before he went away, to know whether we kept to our First Resolution, and we did agree to what was Resolv'd upon at First, and he said he would go in two or three Days time.

Mr. *Att. Gen.* Did the Company agree to it then ?

Capt. P. Yes, they Did Sir, all that meet at that time:

Mr. *Sol. Gen.* Pray name them over again, who they were.

Capt. P. Sir *Wil. Parkins* was actually there, and my Lord of *Aylesbury*, and Sir *J. Friend*, and Capt. *Chernock*, Mr. *Cook*, and my self, I cannot tell whether my Lord *Montgomery* was there, or Mr. *Goodman*.

Mr. *Att. Gen.* Pray when did you see Capt. *Chernock*, or speak with him after that ?

Capt. P. It was when I was in Prison about the Riot, and he told me he had been there ; but there would be nothing done in that matter at Present, for King *James* said, the French King could not then spare so many men, tho he thank'd us for Our Kind offer : And he said he had been with my Lord of *Aylesbury*, Sir *W. Parkins*, and the several other people of Quality, which he did not name, and had carryed them the particular Messages that he had in Command from the King to carry to them.

Mr. *Att. Gen.* Now, pray, tell us what you Know about the Design of Assassinating the King, and what hand the Prisoner at the Bar was to have in it ?

Capt. P. About some weeks before I heard of the Assassination ; I came to Lodg in the house in *Norfolk street*, where Capt. *Chernock* Lodg'd, and where Sir *W. Parkins* Lodg'd when he came to Town. Most commonly we us'd to go in the Evening to the Tavern, or Drink a Bottle of Wine at our own Lodgings ; and one Morning I ask'd Mr. *Chernock*, if I should see him at Night, he said he was Ingag'd in private Company for that Night, and he could not go with me to the Tavern. For says he there are some Gentlemen that are lately come from *France*, and there is something to be done for the Kings service. If there be so, says I, pray let me be concern'd ? says he, they are but newly come, and they will see no body else but me at present. A little after I fell sick of a fit of the Gout, and Mr. *Chernock* came to Visit me, and we fell into Discourse, and I ask'd him about those Gentlemen that were come from *France*, what they came about ; he told me it was Sir *G. Barclay* that came from *France*, and several other Officers with him, and that he had a Commission from the late King *James* to Levy War against the Person of King *William*, or the Prince of Orange, as I think it was named in the Commission.

L. C. J. H. Who told you this ?

Capt. P. It was Capt. *Chernock* : He desir'd to Know how many men I could bring. I desir'd a little time to Consider, but I said there would be a great many that would Joyn if the King landed (whom I did not think fit to Trust with a thing of this nature before hand.) Some few Days after, Capt. *Chernock* came into my Chamber, and brought

brought Sir G. Barclay and Major Holmes that said he was come from France; and there we had little more but a General discourse: But a Little after that I got well of the Gout; and we had several meetings at several Places; at the *Globe Tavern* in *Matton-Garden*, at the *Naggs head* in *Covent Garden*, and at the *Sun* in the *Strand*, where Sir Wil. Parkins was always present. And there we Did consult of the best ways to Assassinate the King, as he came from *Richmond* after Hunting. Sir G. Barclay said, he had receiv'd 800 l. from King James's Secretary towards the buying of Horses, and furnishing both Horses and Men for the Expedition; and it was Consider'd of how many men it would be necessary to bring. The number agreed upon was about 40, of which Sir G. Barclay was to provide 20, I promised to bring 7 or 8, Sir Wil. Parkins Ingaged to bring 5, wherof 3 should be mounted with his own Men, and the other 2 my Men were to mount upon.

Mr. Att. Gen. Do you know the names of those People that he was to mount.

Capt. P. I never had the names my self.

Mr. Att. Gen. Well, what was Done after these Consultations?

Capt. P. I ask Capt. Chernock one time, if I might not see the Commission, that King James had given; he said he had never seen it himself, but Sir W. Parkyns had. I askt Sir W. Parkyns one Evening, as we were smoaking a Pipe by the Fire side, whether he had seen the Commission; he said he had, and that because King James would not trust any of his Ministers; it was written and Sign'd with the Kings own Hand.

Mr. Att. Gen. Pray did he tell you what it was for?

Capt. P. He said it was for Raising, and Levying War upon the Person of the King, but I do not know whether he call'd him King William, or the Prince of Orange; but I suppose it was the Prince of Orange.

Mr. Att. Gen. Pray then give us an Account of your going to view the Ground, where it was most Convenient to do the business.

Capt. P. There were several propositions about the Place where it was to be done, one was to be on the other side of the Water by Ambuscade in *Richmond Park*, the other was to be on this side of the Water after the King was Landed. Sir G. Barclay was for that that was upon the other side of the Water; I thought that would take up too much time to go over thither, that it was better to be done on this side; but because there was Difference of Opinions, It was Resolved upon that some body should be appointed to view the Ground; and I was appointed for one, Mr. Knightly for another, and Mr. King would needs go with us for a Third, and we three did go. We lay all Night at *Knights bridge*, and the next Day went and view'd the Grounds on both sides the River; and came back that Evening to the *Naggs head* according to appointment, where was Sir W. Parkyns the Prisoner, and Sir G. Barclay, and Mr. Chernock, and we gave an account that we had view'd both the Places: And upon our Report it was Resolv'd, that it should be done on this side the Water, In the Lane between *Brentford* and *Turnham Green*.

Mr. Att. Gen. Are you sure Sir W. Parkyns the Prisoner at the Bar was there, at that meeting at the *Naggs head*?

Capt. P. Yes he was.

Mr. Att. Gen. Did he agree to that Resolution?

Capt. P. It was in General agreed by all that was there.

Mr. Att. Gen. Pray Capt. Porter then give us an Account of the Days that were fixt for the Execution of this Design.

Capt. P. There was *Saturday* the 15th. and *Saturday* the 22^d. because *Saturday* was the Day the King us'd to go a Hunting, and Shooting.

Mr. Att. Gen. Were there any men at *Kensington* to give you notice when the King went abroad.

Capt. P. There were two men that had a Lodging at *Kensington*, the one was one *Chambers* who belong'd to Capt. Chernock, and the other was a *Fleming*, one *Durance*, who came over with Sir George Barclay, and he went every Day and thrust himself among the Guards to bring Intelligence.

Mr. Sol. Gen. What was the reason the Design was not executed.

Capt. P. The first Day *Durance* brought notice in the Morning, that the Guards were gone abroad; and afterwards there came notice, that the King would not go abroad that Day, for which reason we Adjourn'd it to the next *Saturday*.

Mr. Att. Gen. What was the Method you was to take in the Execution?

Capt. P. The method agreed upon was this; there was one *Rookwood* that came from France upon this Expedition, he was to Command one party, and Capt. Chernock and

and my self, were to Command another Party to attack the Guards, and Sir George Barclay was to have 4 men out of each party to attack the Coach, while we Attack'd the Guards.

Mr. Att. Gen. Well, you say the First Day you was Disappointed by the Kings not going, when was the next meeting.

Capt. P. The next meeting was upon Fryday the day before the 22^d. I was sick all the Week, and I do not know whether I lay a Bed all the Week, or no, but upon Fryday they met, and it was at the Sun Tavern in the Strand: There was none but Sir G. Barclay, Capt. Chernock, Sir W. Parkyns and my self.

Mr. Att. Gen. What Discourse was there then? Capt. P. Sir G. Barclay came in, and said he was afraid the thing was Discover'd; I told him I fancied not, for if it had we should not have been in that house at that time. Then says he, let us go on and try another day. Sir W. Parkyns was ask'd if his Horses were come to Town? he said they were come to Town that Night. Said I, I have had a misfortune with my Horses, two of them are fallen Lame, and and won't be fit for service. Says he, if I had known that, I could have brought more Horses out of the Country: But says he, I will send to Mr. Lewis, who was Gentleman of the Horse to my Lord Feversham, and I believe he can help us to more Horses; he will be with me to Morrow morning, and I'll get a Note from him for two more. In the Morning I sent to him, and he sent me a Note for two Horses to mount my men, and he sent me word Mr. Lewis could help me to 2 or 3 others, that they were all 3 Saddle'd, and one was Accounted with Holsters and Pistolls, but the other 2 had only Saddles. I did not see Sir W. Parkyns on Saturday the 22^d. but I met some of my friends, who were to go along with me upon this Enterprize, and we had first notice that the Guards were gone abroad, and that the King would go, at which all were very glad: But when we had notice that the King did not go, we were afraid the thing was Discover'd, and I went out of Town, and I did not see any of them afterwards till they were taken.

M. Att. Gen. Pray, Capt. Porter, have you ever heard any thing from Sir W. Parkyns of his having a Commission from King James?

Capt. P. I had heard Capt. Chernock ask Sir W. Parkyns why he did not go along with us in this Expedition, he said he did not go, because he could not go.

Mr. Att. Gen. Was he not to be one of the Number that was to Act in the Assassination?

Capt. P. No, he said he had other Business to do, he had a Regiment to look after.

L. C. J. H. How many Horses had you from Lewis.

Capt. P. I had never a one, only Sir W. Parkyns sent me word, if I wanted I might have 3 for I had told him I would not send for them, till I heard whither the King went abroad, and then I had notice that the King did not go.

Mr. Att. Gen. Had you a Note for them.

Capt. P. Not for those 3 Horses, but Cranburn said he had a Note for 2 Horses.

Parkyns. Did he say he had a Note from me.

Capt. P. No, I don't say so Sir W. Cranburn told me he had a Note whither to go for them.

L. C. J. H. Will you ask him any Questions, Sir William? Parkyns. No, my Lord.

Juryman. My Lord, I desire he may be ask't, whither at any of those meetings there was any Discourse of the Assassination before Sir W. Parkyns?

L. C. J. H. What say you to that Capt. Porter?

Capt. P. Yes, he was at all the meetings and Consultations.

Juryman. Pray my Lord, I desire to know whither Sir W. Parkyns Discourf'd of it himself, and what he did say about it.

Capt. P. I cannot say exactly what he did say in particular, only he agreed to it, and was to furnish 5 Horses for it, and said it was necessary to be done, for it wou'd bring the King in more easily. Tho he could not Personally engage in it himself, because he had other business, he was to look after his Regiment.

M. Sol. Gen. If Sir W. Parkyns will ask Capt. Porter no Questions, we will go on to our next Witness, which is one Abraham Sweet whom Mr. Attorney mentioned.

He was brought in and Sworn.
Mr. Sol. Gen. Mr. Sweet, Will you give the Court, and Jury an Account what Sir W. Parkyns said to you about King James's Landing?

Mr. Att. Gen. Pray will you give an Account what Discourse you had with Sir W. Parkyns the Prisoner at the Bar, about King James's Returning, and Landing with French Forces.

Sweet. Sir W. Parkyns did tell me, that he did expect King James's Landing, and he said his own Troop was Compos'd of Old Soldiers.

M. Att. Gen. How long have you known Sir W. Parkyns? Sweet. This 3 Years.

Mr. Att. Gen. Pray tell the time when this Discourse was, about what time was it?

Sweet. This was since Christmas, about Christmas last.

Mr. Att. Gen. Where was it that you had this Discourse?

Sweet. It was about his own House.

L. C. J. H.

L. C. J. Holt. What Discourse?

Sweet. We were talking about King James's coming.

L. C. J. Holt. Who told you that King James was coming?

Sweet. Sir William Parkyns.

Mr. Att. Gen. What did he say?

Sweet. He said he had bought a great many Saddles, Thirty Saddles; and that his own Troop was compos'd of all old Soldiers.

Mr. Att. Gen. Did he tell you of any assurance that he had of King James's landing?

Sweet. Yes, he said he had the Kings Word for it.

Mr. Att. Gen. Was there any discourse between you about any Journey that Sir William was to take?

Sweet. Yes he did tell me, he was to go into *Leicestershire*, and was to meet several Gentlemen in *Leicestershire*, and he did go, and after he came back again, he said he had met his Friends, and all was well, and that the West was as much inclin'd to King James's Interest as the North, and that a Lords Brother was concern'd.

Mr. Att. Gen. What other discourse had you about this matter?

Sweet. Nothing else, as to particulars, that I can remember.

Mr. Att. Gen. What Orders had you to come up to Town in February, and when, and from whom?

Sweet. Sir Will. Parkyns sent for me, and he sent me a Letter about the 11th. of February, that I should come to him the next day, and I did come the next day.

Mr. Att. Gen. Whether did you come? Where did you find him?

Sweet. At his Lodgings in *Norfolk-street*, at the House where Mr. Charnock lodg'd; and after I had spoken with Sir William Parkyns about the Letter which he had sent me to come up, he told me that the Business that he had design'd for me, he did not think fit I should do, because of my Family.

Mr. Att. Gen. Pray, what directions had you from him, what you were to do when you came into the Country?

Sweet. When I went into the Country, he order'd me to go to his House, and send up three of the strongest Horses.

Mr. Att. Gen. When was this, do you say?

Sweet. It was in February.

Mr. Att. Gen. What time in February?

Sweet. The Eleventh or Twelfth, which was *Wednesday*; and at my going away, he told me, if I had not a Letter from him the *Friday* following, I should come to Town again. I did come to Town again, and then he ask'd me if I had made Provision for my Family, I told him, no; then he ask'd me why I came up to Town, he told me I might go into the Country again on the morrow morning.

L. C. J. Holt. What did he tell you?

Sweet. He said I might go back again into the Country. I came upon the *Saturday* morning to him.

Mr. Att. Gen. Pray, what day was that *Saturday*?

Sweet. I believe it was the 13th. or 14th. of February.

Mr. Att. Gen. You say *Wednesday* was the 12th.

Sweet. Yes, I believe *Wednesday* was the 12th. and I came to Town the *Friday* after that 12th. that was the 14th. and on the *Saturday* I went home again.

Mr. Att. Gen. You say you came to him on the *Saturday* morning, what pass'd between you then?

Sweet. I went the next morning to Sir Will. Parkyns's Lodgings, but he was gone out, and had left word that I must come again about Eleven of the Clock; I did go about that time, and he was not come in; and there I met one Mr. Chambers and one Mr. Lee, whom I had seen there the Night before.

Mr. Att. Gen. And what Discourse had you then with them?

Sweet. We had little Discourse, for I had only seen them the Night before; but I think Chambers told me he had been at *Kensington*; and I desired to know what News there; and he told me William kept as close as a Fox; and he shew'd me his Wounds, and he said those Wounds wanted Revenge.

Mr. Att. Gen. Where did he say he receiv'd those Wounds?

Sweet. At the *Boync*.

Mr. Soll. Gen. Pray, Mr. Sweet, did he tell you for what use his Troop was?

Sweet. He did not tell me positively; but I understood it to be to joyn King James when he landed.

Mr. Soll. Gen. Pray, Sir, where did you dine that *Saturday*?

Sweet. With Sir Will. Parkyns, and Mr. Charnock, and Chambers, and one or two more that I did not know.

Mr. Att. Gen. Will you ask him any Questions, Sir William?

Parkyns. Did I tell you, Mr. Sweet, that I had a Troop of Horse?

Sweet. I will tell you your own words, and no other; you said, Your own Troop was compos'd of old Soldiers.

L. C. J. Holt. Pray, let me ask you one Question: How many Horses were you to bid the Man to bring up to Town?

Sweet. Three, My Lord.

Mr. Att. Gen. And were they not his strongest Horses?

Sweet. Yes, My Lord; they were.

Mr. Att. Gen. Did he say any thing to you about Volunteers?

Sweet. Yes, he said there were some Gentlemen that were Captains and old Officers, that would be Volunteers under him.

Parkyns. Pray, Sir, where were these words spoken?

Sweet. Either in your own House or in the Garden, I can't tell directly which, but some where about your House it was.

Parkyns. Where is that House?

Sweet. In *Hertfordshire*.

Parkyns. Then I am in your Lordships Judgment; whether words spoken in *Hertfordshire* can be an Evidence of a Treason acted here in *Middlesex*?

L. C. J. Holt. Sir *Will. Parkyns*, if there be a Design to kill the King, and there are several Overt-Acts to prove that Design, and one is in one County, and another is in another County, the Party may be indicted in either of the Counties, and Evidence may be given of both those Overt-Acts, tho in several Counties. It is true, you being indicted in *Middlesex*, makes it necessary that some Evidence should be given of some things done in *Middlesex*, as there is; as your meeting at *Mr. Mountjoyer*, and at the *Nags Head* in *Covent-Garden*, and the *Sun* in the *Strand*, where were several Consults, which are Overt-Acts of the same Treason; and if Treason be committed in several Counties, the Party may be indicted in any one, and the Evidence may be given of Facts done in all.

Parkyns. Then, *Mr. Sweet*, you did not say that I had raised a Troop, or would raise a Troop?

Sweet. I told you your own words; that your Troop was made up of old Soldiers.

L. C. J. Holt. But yet I must tell you further, Sir *Will. Parkyns*, if I remember right, there is Evidence given of a Discourse you had in *Norfolk-street*, where you lodg'd, and that is in *Middlesex*.

Parkyns. My Lord, I did not observe that he said any thing of me about *Norfolk-street*.

Mr. Att. Gen. Yes, this is what he says. You told him you had thought of a Business for him, but you would not engage him in it, because of his Family.

Parkyns. Pray, *Mr. Sweet*, Did I tell you any thing what you were to do?

Sweet. No, Sir, you did not.

Parkyns. I hope the Jury will take notice of that: I did not tell him any thing that he was to do.

L. C. J. Holt. Well, that was no great matter. Will you ask him any more Questions, Sir?

Parkyns. No, My Lord.

Mr. Soll. Gen. Then our next Witness is *James Eubank*.

(Who was Sworn.)

Mr. Att. Gen. Do you know Sir *Will. Parkyns*?

Eubank. Yes, he is my Master.

Mr. Att. Gen. What Servant were you to him?

Eubank. I was Groom to him.

Mr. Att. Gen. How long have you been his Groom?

Eubank. Not a Twelve-month yet.

Mr. Att. Gen. Pray, first give an account what Journey you took with him.

Eubank. I went into *Leicestershire* with him.

Mr. Att. Gen. Pray, tell us what you know of that matter.

Eubank. Yes, my Lord. We went from our own House to *Stony-Stratford*, and there we lay all night.

Mr. Att. Gen. What time was this?

Eub. I cannot tell the day of the Month, it was in *January*.

Mr. Att. Gen. What day of the Week was it?

Eubank. It was on a *Thursday*.

Mr. Att. Gen. And where did you go from *Stony-Stratford*?

Eubank. We came the next day to *Leicester*.

Mr. Att. Gen. Who went with him?

Eubank. One Capt. *Scudamore*.

Mr. Att. Gen. How long did you tarry at *Leicester*?

Eubank. When we came the next day to *Leicester*, we staid there till *Sunday* morning.

Mr. Att. Gen. What Company came to your Master when he was at *Leicester*?

Eubank. Sir, I am Stranger, I know none of them, I was never there before.

Mr. Att. Gen. Can you remember whether there was one *Yarborough* there?

Eubank. There was one that said his Name was *Yarborough*.

Mr. Att. Gen. Whence did he come?

Eubank. He said he came out of *Yorkshire*.

Mr. Att. Gen. Who came with him?

Eubank. There was a Gentleman in black Cloaths, that said he was a Minister.

Mr. Att. Gen. Did you observe any others that came thither to your Master?

Eubank. It was Market-day, and I had my Horses to look after, there were a great many People went up and down Stairs, but whether they went to him, or no, I can't tell.

Mr. Att. Gen. When did you come back again?

Eubank. We staid there till *Sunday* morning, and then we came away.

Mr. Att. Gen. To what place did you go that night?

Eubank. To a Town call'd *Brickhill*, and the night following we came home.

Mr. Att. Gen. Who came back with him?

Eubank. None but Capt. *Scudamore*, who went with him.

Mr. Att. Gen. Whether did you go the next day?

Eubank.

Eubank. We came to *Bushy* about 8 a clock a Monday night.

Mr. Att. Gen. Well, after this, did you bring up any Horses to the *George-Inn* to your Master, and when?

Eubank. Yes, three Horses.

Mr. Att. Gen. Ay, when?

Eubank. I cannot tell the day.

Mr. Att. Gen. What day of the Week was it?

Eubank. Upon a Friday.

Mr. Att. Gen. What Month was it in?

Eubank. Indeed I can't say that.

Mr. Att. Gen. Do you remember *Valemine's* day?

Eubank. Yes, it was upon that day.

Mr. Att. Gen. That is the 14th. of February, a remarkable day, and was then of a Friday, the day before the Assassination was to have been executed. Whither did you bring them?

Eubank. To the *George-Inn*.

Mr. Att. Gen. How were they furnish'd? were there Pistols upon them?

Eubank. No: the Pistols were in Town, and the Horses were sent after my Master.

Mr. Att. Gen. Where were the Pistols left?

Eubank. Indeed, I don't know.

Mr. Att. Gen. Pray, when you came to Town, did you go to your Master, and acquaint him with it.

Eubank. Yes, Sir, I did.

Mr. Att. Gen. Pray, what did he then say to you?

Eubank. He said he thought he should go home that Night.

Mr. Att. Gen. Did he change his mind?

Eubank. Yes, for he did not go till Monday.

Mr. Att. Gen. Did he tell you he should go a Saturday?

Eubank. Yes, he said he thought he should.

Mr. Att. Gen. Did you come to him to know his mind, and what did he say?

Eubank. He said in the morning he would go in the afternoon, but he did not.

Mr. Att. Gen. Afterwards, when did he go?

Eubank. Upon Monday.

Mr. Att. Gen. Who went with him that Monday?

Eubank. One *Holmes*, a fat thick man.

Mr. Att. Gen. Well, pray when did you come to Town again?

Eubank. Upon the Friday following.

Mr. Att. Gen. How many Horses did you bring up then?

Eubank. On the Friday following we brought up four; my Master himself came up with them.

Mr. Att. Gen. Who came with him?

Eubank. Mr. *Holmes*, and I, and another Servant.

Mr. Att. Gen. How were the Horses furnished?

Eubank. Every Horse had Pistols.

Mr. Att. Gen. What did you bring besides? were there any Boots?

Eubank. None but what we rid in.

Mr. Att. Gen. Where did you leave those Horses?

Eubank. At the *George-Inn* in *Holborn*.

Mr. Att. Gen. What directions did your Master give you that night for going the next morning upon an Errand, and whither?

Eubank. I had no message from him, but there was a Note that I was to carry to *Kensington* to one *Browne*, and I was ordered to go to the Gentleman that lives within a door or two next the going into the King's Gate, I forget his name, but this man where *Brown* lodged belonged to the Court, some Officer in the Kitchen to the King; either a Confectioner, or Cook, or some thing, and this man lay there.

Mr. Att. Gen. What was your message to him?

Eubank. I was to tell him that I came to speak with one *Brown*, and that I came from a Gentleman that lay at the Confectioner's in *Holborn* over against *Grays-Inn*. I know the Gentleman by Face again if I see him.

Mr. Att. Gen. Well, what did he say to you?

Eubank. He bid me set up my Horse at the *Red-Lion*, and he would come to me presently; and so he did. Says he, I have no business that I need to send; but I'll write in your Almanack, and you may carry it back and shew it him, that I will come to Town betwixt nine and ten a clock. I did go back and tell that Gentleman at the Confectioner's.

Mr. Att. Gen. What kind of Gentleman was it?

Eubank. A Lusty man, with a great Nose and a black VVigg, he speaks broad Scotch, and he was a swarthy coloured man, and he had a wide Mouth.

Mr. Att. Gen. VVhat age was he of?

Eubank. A middle aged man.

Mr. Att. Gen. Pray, what did he say to you?

Eubank. He ask'd me if I had seen the Gentleman. I told him yes. He ask'd me what the Gentleman returned for answer. I told him he had writ in my Almanack, which I had shewn him, that he would be in Town between nine and ten a clock. He ask'd me then where I was going. I said to my Master. Says he, tell your Master that I will be in my Chamber ready for him.

Mr. Att. Gen. Did you go to your Master, and tell him so?

Eubank. Yes, I did.

Mr. At. Gen. And what did he say to you?

Eubank. He said, he designed to go home in the Afternoon, and therefore bid me go to the Inn,

Inn, and make ready the Horses, and know what was to pay for them, and he would come by and by thither.

Mr. Att. Gen. Did he afterwards come to the Inn?

Eubank. Yes, Sir, about three or four a clock in the Afternoon

Mr. Att. Gen. Pray, who came with Sir William Parkyns?

Eubank. One Lewis.

Mr. Att. Gen. Do you know him?

Eubank. I have seen him before with my Master.

Mr. Att. Gen. VWhat is he?

Eubank. They say he is my Lord Faversham's Gentleman.

Mr. Att. Gen. VWhat did he say to you about any Saddles?

Eubank. They ask'd me what Saddles and how many had been sent there; and I said but two.

Mr. Att. Gen. VWhat said Mr. Lewis?

Eubank. Mr. Lewis said there must be a mistake, because my Master said he had but 22, for he reckon'd he had more, there should be 24 in all.

Mr. Att. Gen. Did he say so, or Sir William Perkins?

Eubank. It was Mr. Lewis that said there were 24, to the best of my remembrance.

Mr. Att. Gen. VWhere were they sent?

Eubank. Indeed I know not, I never saw any of them but those two.

Mr. Att. Gen. VWho delivered those two to you?

Eubank. My Master Sir William Parkyns.

Mr. Att. Gen. VWho were those Saddles for?

Eubank. They were for two Gentlemens Horses that were there.

Mr. Att. Gen. VWhose Horses were they?

Eubank. They were not my Master's, but they stood at that place.

Mr. Att. Gen. Did your Master ever speak to you about them to look after them.

Eubank. He said, if at any time I was there, I should see that the Officer gave them their Corn.

Mr. Att. Gen. VWere they your Master's Horses or not?

Eubank. Not that I know of.

Mr. Att. Gen. VWhat time did you go out of Town?

Eubank. I went out of Town with them about four a clock in the Afternoon.

Mr. Att. Gen. VWhen did you hear from your Master after that?

Eubank. Upon Monday I had a Letter from him.

Mr. Att. Gen. VWhat was that Letter for?

Eubank. It was to go to my Master's House in Warwickshire, to one Richard Evans that was his servant, to whom he sent a Letter.

Mr. Att. Gen. VWhat were the Contents of that Letter?

Eubank. I did not see what they were, it was sealed,

Eubank. Yes, I did.

Mr. Att. Gen. Did you carry that Letter to Evans?

Mr. Att. Gen. VWhat time did you come thither?

Eubank. I came there a Tuesday at 4 a clock.

Mr. Att. Gen. VWhat did Evans and you do after you had read the Letter?

Eubank. VWe went to fetch some Boxes that my Master had ordered Evans to fetch home. It was about two Miles or more from home, at a Tradesmans.

Mr. Att. Gen. VWhat was his Name, was it Haywood?

Eubank. Yes, I think it was something like that Name.

Mr. Att. Gen. Did you go with Evans to fetch the Boxes from thence?

Eubank. They had a man that drove the Team to fetch them.

Mr. Att. Gen. VWere they carried in a Team then?

Eubank. Yes, they were.

Mr. Att. Gen. VWere you there when the Goods were brought back?

Eubank. Yes, I was at my Master's house.

Mr. Att. Gen. VWhat did they do with them?

Eubank. They buried them in the Garden, Sir.

Mr. Att. Gen. VWhat in the Boxes?

Eubank. Yes Sir.

Mr. Att. Gen. How many Boxes was there?

Eubank. Five or six I think. I know not what was in them.

Mr. Att. Gen. You help'd to bury them, did you not?

Eubank. No; but I was there, I saw them buried.

Mr. Att. Gen. Did Evans tell you what they were?

Eubank. Evans told me they were choice Goods.

Mr. Att. Gen. Evans told you so, did he?

Eubank. Yes.

L. C. J. H. VWhat time of the day or night were they fetch'd home?

Eubank. They went away about 4 a clock in the Afternoon.

L. C. J. H. How far is it from Sir William Parkyns's house to Haywoods.

Eubank. I think about 3 or 4 miles, I cant tell how far exactly.

L. C. J. H. VWhat time did they return?

Eubank. About 10 or 11 a clock at night.

Juryman. My Lord, I understand he says they buried them immediately, was he there, and did he help to bury them.

Eubank. No, I did not help to bury them; but I saw Earth put upon them.

Mr. Att. Gen. Pray, Eubank, let me ask you one Question; the Person that lay at the Confessioner's, did you observe whether he had a lame Arm or no?

Eubank,

Eubank. No, I did not take notice of any such thing.

Mr. Sol. Gen. Will Sir William Parkyns ask him any Questions?

L. C. J. Holt. What say you Sir William; Will you ask him any Questions?

Parkyns. You say one Holmes went out of Town with me, pray give an account what Holmes that is.

Eubank. It is Fat Mr. Holmes, if it please your Honour, he lives at the Golden Key in Holbourn.

Parkyns. My Lord, I observe this to distinguish it that it was not, as Mr. Attorney open'd it, Major Holmes that is in the Proclamation; it was one that us'd to be at my House frequently; he was at my House all the Summer.

Mr. Att. Gen. Well, you did well to ask him that Question to explain it.

L. C. J. Holt. Will you ask him any more Questions?

Park. No, my Lord.

Mr. Sol. Gen. Then our next Witness is one Thomas Hipwell. (Who was sworn)

Mr. Att. Gen. Where do you live? *Hipwell.* At in Warwickshire.

Mr. Att. Gen. With whom do you live?

Hipw. I live of my self, Sir.

Mr. Att. Gen. Do you know of any Goods that were carry'd from Mr. Heywood's House to Sir William Parkyns's House?

Hipwell. I came from Litchfield Fair upon Ash-Wednesday, where I had been to carry Goods for my Master.

Mr. Att. Gen. Did not you say you lived of your self? I ask'd you before who you lived with: Who is your Master?

Hipwell. Mr. Heywood.

Mr. Att. Gen. You said before you had no Master.

Hipwell. That is, when he pleases to imploy me, I work for him.

Mr. Att. Gen. Pray tell what you carry'd from Heywood's House, and who came for them.

Hipwell. There were, to the best of my remembrance, either seven or eight Boxes.

Mr. Att. Gen. Who came for them?

Hipwell. There was one of Sir William Parkyns men, one Richard Evans that was his Servant, and one Watstone that was Tenant to Sir William.

Mr. Att. Gen. Well, how did they come, and what did they do?

Hipwell. They brought a Waggon and two Mares.

Mr. Att. Gen. About what time was it?

Hipwell. It was about Nine or Ten a Clock at Night when they went away.

Mr. Att. Gen. What Orders had you from your Master?

Hipwell. It was near upon seven a Clock when the Waggon came, and my Master wish'd me to go to borrow a Mare of at such and such I did so, and I brought the Mare I had borrowed with me home.

Mr. Att. Gen. What was that Mare borrowed for?

Hipw. I know not.

Mr. Att. Gen. What use was she put to afterwards? What did you see more?

Hipwell. Why, before the Team came (about a quarter of an hour before) to fetch these Goods, my Master told me, that Sir William Parkyns's men were to come to fetch some Bedding and other Goods, what they were he knew not, and he order'd me when they knock'd at the Gate, to let them in; and I did so.

Mr. Att. Gen. Well Friend, did they carry away any Goods, and what were they?

Hipwell. They were in Boxes, at first in three Boxes; and then Sir William Parkyns's Servant did knock off the outside Lining, which was a Deal Board, and he drew the Nails and took out of two Boxes three Boxes apiece, and two out of another, to the best of my remembrance I think there were eight, but I am not sure whether there were seven or eight.

Mr. Att. Gen. Did they carry them away that Night?

Hipwell. Yes, Sir William Parkyns's Man Richard and the Tenant carried them to the Waggon, and I lighted them down with a Lanthorn, according to my Master's Order.

Mr. Att. Gen. When, what Day was this?

Hipwell. It was Ash Wednesday at Night.

Mr. Att. Gen. Then let up Mr. Heywood. (Who was sworn before) Pray give my Lord an account when Sir William Parkyns's Goods were brought to your House? who brought them, and what Directions were given about the careful keeping of them?

Heywood. My Lord, about Michaelmas last, Sir William Parkyns's Man came to me with a Letter from one Mr. Charnock, and the effect of the Letter was to desire the favour of me to lodge some Goods of Sir William Parkyns at my House; for he was taking his Servants from his House, and he was loath to leave his Goods in an empty House; and he desired me to let them lie at my House, which I did.

Mr. Att. Gen. How were they put up?

Heywood. I think in three Chests, pretty big Chests; nail'd up and sack'd; and there was a Bed, and Bedding, and a piece of Tapestry or two.

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Mr. Att. Gen.

Mr. Att. Gen. Pray did that Letter come from Mr. Charnock?

Haywood. Yes *Evans* Sir *William Parkyns* Man brought it me.

Mr. Att. Gen. Pray Sir, how are you related to that Mr. Charnock; what a Kin is he to you?

Haywood. I married his Sister.

L. C. J. H. You took the Goods into your Custody upon that Letter from Charnock?

Haywood. Yes, my Lord, I did.

Mr. Att. Gen. Pray will you give an account whether you were in Town before this Discovery, and had any Discourse with Mr. Charnock or Sir William Parkyns about these Goods? When did you see Mr. Charnock afterwards?

Haywood. I came up to London the 16th day, and I was in London the 17th 18th and 19th. I think those three days; and I went to see Mr. Charnock at his Lodgings, but I was hardly with him a quarter of an hour: I told him Sir William Parkyns had sent some Goods to my House, and I desired to know when he would fetch them away. Says he, I can't say when I shall see him again. Said I, I shall have some business at the Temple, and I will meet you at the Temple Coffee-House. Says he, I will meet, and bring Sir William Parkyns with you if you can, said I: he came about 8 or 9 a Clock on Tuesday morning; says he, Sir William Parkyns is at my Lodgings, just a going out of Town, and would desire to see you. So I went up, and Sir William Parkyns was ready to go out of Town: I told him I had some Goods of his at my House, and I desired to know how he would dispose of them; what he would do with them: He would take them away, he said, the first opportunity, or that effect.

L. C. J. Holt. When was this, what month?

Haywood. It was in February last.

L. C. J. H. What Day?

Haywood. I think it might be about the 18th day.

L. C. J. H. It was you that desired to have them taken away, it seems, was it not?

Haywood. I ask'd him when he would take them away, or what he would do with them.

L. C. J. H. And what Answer did he make?

Haywood. He said he would take them away the first opportunity, as soon as he could dispose of them, or that effect.

Mr. Att. Gen. Now when you came home, tell us who came for those Goods, and when.

Haywood. I think it was upon a *Strove-Tuesday* that I came home, and my Wife said Sir William Parkyns had sent for his Goods, and desired to have them away, but that he had made answer, I was not at home, but should be at home soon, and then he might have them away. The next day I came home from *Litchfield* Fair about 5 or 6 a Clock at Night; it was *Ash-Wednesday* at Night when I came home, and the man came to me between 6 and 7, and told me his Master desired to have the Goods away. I told him he might have them when he would; he said he would have them away that Night. I told him it was an unreasonable time: But, says he, the Waggon is a coming, and I desire you would give me leave to take them away, which I did: Then he said he had but two Horses, and he desired me to lend him a Horse, which I did, and he took the Goods and went away with them, but for what he did afterwards with it, I know nothing at all of it.

Mr. Sol. Gen. Then swear Mr. *Whestone*. (which was done.)

Mr. Att. Gen. Pray Sir, do you give an account when you went with *Evans* to *Haywood's* House, and what happened.

Whestone. His Man came to me.

Mr. Att. Gen. Whole Man?

Whestone. Sir William Parkyns his Man to desire me to go Mr. *Haywood's* to fetch some Goods of Sir William Parkyns, some Bedding, and some odd things, which I did; and said he, I will go the next way to the House, and I will meet you before you can get thither; and he did meet me half a mile off the House, and told me I must stay and not come to the House till it was night, till it was later.

L. C. J. Holt. Who told you so?

Whestone. Sir William Parkyns's Man told me so; so he went forwards to the Gate, and then came back, and called me to come in; then we went to the House, and loaded the Waggon with Boxes and Bedding that was there,

Mr. Att. Gen. How many Boxes were there?

Whestone. I cannot tell whether there were seven or eight.

Mr. A. Gen. Whither did you carry them?

Whestone. We carried them to Sir William Parkyns's House.

M. Att. Gen. What was done with them?

Whestone. There they were put into the Ground by the Wall side, where they were found.

Mr. Att. Gen. Why, was you present when they were found?

Whestone. Yes, I saw them dug up.

M. Att. Gen. Then you can give us an account of them, what were they?

Whestone. They were Arms.

M. Att. Gen.

Mr. Att. Gen. How many were there? what quantity?

Wheatstone. Truly I cannot tell.

Mr. Baker. Where is the Constable Thomas Watts?

Watts. Here am I.

(he was sworn)

Mr. Att. Gen. Are you the Constable?

Watts. Yes Sir I am the Constable, and searcht Sir W. Parkyns house, and upon searching in the Garden I found some Arms there.

Mr. Att. Gen. Pray what Quantity of Arms did you find there?

Watts. 4 dozen of Swords, 32 Carbines, 25 brace of Pistols.

Mr. Att. Gen. What kind of Swords were they?

Watts. They were broad swords, two-edged swords.

Mr. Att. Gen. Were there any Hilts to the swords?

Watts. No, but there was a box of Hilts that I suppose was prepared for them.

Mr. Att. Gen. Where did you find them.

Watts. In a border under the wall by the wall-side.

Juryman. Did you see the Boxes broke open Sir?

Watts. Yes Sir I took them and broke them open my own self.

Juryman. Was Wheatstone by pray Sir when they were broke open?

Watts. He was not there by at the first, when we dug them up; but I brought them to my own house, and there I broke them open and there he saw them.

Mr. Att. Gen. Will you ask him any Questions Sir William? Parkyns. No Sir.

Mr. Sol. Gen. Then call Turton, Freeman, Fielding.

(who were all sworn)

Mr. Att. Gen. Pray set up Mr. Freeman.

(which was done)

Mr. Att. Gen. Where do you live?

Freeman. At the George-Inn in Holborn.

Mr. Att. Gen. What are you?

Freeman. I am Hostler there.

Mr. Att. Gen. Pray do you give an account what Horses were kept there of Sir W. Parkyns, and how many?

Freeman. He was a Guest to the house all this last Summer, sometimes more sometimes less.

Mr. Att. Gen. How was it last Winter about February last, how many Horses had he then?

Freeman. He had sometimes 3 came in sometimes 4, the most that ever he had was five.

Mr. Att. Gen. What time was that that he had five pray?

Freeman. To my best memory it was just the Week before the Disturbance, before the Plot broke out.

Mr. Att. Gen. Before the Proclamation you mean?

Freeman. Yes before the Proclamation.

Mr. Att. Gen. When was it, what day of the week was it?

Freeman. They came in on Friday night.

L. C. J. Holt. What did five come in then?

Freeman. Yes I think so.

L. C. J. Holt. Who was with him?

Freeman. I only saw his Groom and another servant.

Mr. Att. Gen. How were they accoutred?

Freeman. Four with Holsters and small Pistols: one was a Led Mare with a Portmanteau; and in a Horsecloath wrapt up there was one or two pair of Jack Boots, and I think a Coller in one, I cannot tell whether there was one Bridle or two.

Mr. Att. Gen. When did they go away?

Freeman. On Saturday in the Afternoon.

Mr. Att. Gen. Did you observe any Persons to come there on Saturday morning?

Freeman. There were two men that were there that rid out between two and three hours: they rid out between Nine and Ten, and they came in again between Twelve and One; where they had been I cannot tell, but they had rid pretty hard for the time they were out, for the Horses came in in a sweat.

Mr. Att. Gen. Before this time that you now speak of, what Horses came up can you remember, how many Horses came up the week before?

Freeman. The week before there were some, but how many I cannot remember; they very rarely staid above a Night.

Mr. Att. Gen. What do you know of any other Horses that were left there?

Freeman. There were three Horses that were at our house a week, that were very good Horses, but I do not know whose Horses they were; nor the names of the Gentlemen that owned them. The Gentlemen that brought them in paid for the Horses, only the Groom told me his Master Sir W. Parkyns had ordered him to see the Horses fed. I never received a farthing of Sir W. Parkyns but always of the Groom.

Mr. Att. Gen. Pray did you observe any particular Horse that was brought in there, a Roan Horse?

Freeman. Yes there was one Horse brought in.

Mr. Att. Gen. From whence did that Horse come.

Freeman:

Freeman. As was told me from *Montague* house.

Mr. Att. Gen. I believe you mistake the Place, recollect your self a little.

Freeman. *Somerset* house I mean, a Porter brought it.

Mr. Att. Gen. Are you sure it was *Somerset* house?

Freeman. Yes it was.

Mr. Att. Gen. Do you know one *Lewis*?

Freeman. I do not know him, perhaps the Tapster does.

L. C. J. Holt. How many Horses came from *Somerset* house?

Freeman. Only the Roan Gelding, and a very fat Man mounted him and rid out with Sir *W. Parkyns*.

Parkyns. Pray Sir what sort of Horse was that Bay Gelding that you say the fat man rid upon?

Freeman. I say he rid upon a little Roan Gelding about 14 hands high.

Parkyns. But the Bay Gelding how high was that?

Freeman. About 14 hands high.

Parkyns. There's your mighty Horse for Service.

Freeman. They were no great sized Horses none of them.

Parkyns. And have not you known these Horses to have been mine a great while?

Freeman. Yes I have known them to be yours a good while.

L. C. J. Holt. What was the Roan Gelding Sir *W. Parkyns*?

Freeman. No not the Roan but the others: they were no strange Horses, they were frequently there all last Summer: there was no new strange Horse but the Roan.

L. C. J. Holt. Will you ask him any more Questions?

Parkyns. No my Lord.

Mr. Sol. Gen. Then set up Mr. *Turton*.

(which was done)

Mr. Att. Gen. Pray will you give an Account what you know of Horses that were standing at the *George-Inn* in *Holbourn*.

Turton. I have known Sir *W. Parkyns* to have used the Inn this 4 or 5 Years, ever since the Inn was Built; and in last *February* he came to Town with three horses the first time.

Mr. Att. Gen. What Day of the month was that?

Turton. I cannot say what Day of the month, but it was about the VWeek before his last coming there, which was just before the discovery of the Plot.

Mr. Att. Gen. Do you know what day of the VWeek it was?

Turton. No truly I do not, for I keep no account of Horses going in or out. The last time of his coming was with about 4 or 5 Horses to the best of my knowledge, and that was upon the *Friday* before the Plot broke out; and then upon that *Friday*, Sir *W. Parkyns* gave order to his Groom to get the Horses ready against *Saturday* morning.

Mr. Att. Gen. Did he go out with his Horses on *Saturday* morning?

Turton. He did not go out with all the Horses according as he had given order; but two Gentlemen rid out with two of the Horses, and staid out about two or three hours and came in again, as if they had rid pretty hard, the Horses being in a sweat; and in the Afternoon they all went fairly out of Town, and gave out that they expected to be in Town on *Sunday* or *Monday* following, but they did not return; but then came down one Mr. *Lewis*, I know not that that is his Name, only when I formerly belonged to my Lord of *Oxford*, I knew him to be Gentleman of the Horse to my Lord *Peterborough*, but I did not know his Name.

Mr. Att. Gen. Had you not seen him there before, what time did he come?

Turton. I do not know that I ever saw him there before; he was on *Saturday* in our Yard.

L. C. J. H. You are asked when *Lewis* came?

Turton. The first time I see him was on *Saturday*, in the Yard asking for Sir *W. Parkyns*.

L. C. J. H. VWhat time on *Saturday* was that?

Turton. It might be three of the Clock in the Afternoon, about an hour or thereabouts before Sir *William Parkyns* Horses went away; and asking for Sir *W. Parkyns*, and he not being there, he returned back again; and after they were gone he came again, and I told him they were gone, but the Groom had acquainted me, and given me an account, that he would be there again on *Sunday* or *Monday*. On *Sunday* in the Afternoon about five or six, Mr. *Lewis* came to enquire if Sir *W. Parkyns* Horses were come to Town; I told him no: and so he came again upon *Monday* morning betwixt eight and nine of the Clock, and asked me if I heard nothing of his coming to Town; I told him no I did not hear of his coming again.

Mr. Att. Gen. The Horses that came up on *Friday* night, how were they accounted?

Turton. Two or three of them had Holsters; I cannot say but for Pistols they had four or five Case.

Mr. Att. Gen.

Mr. Att. Gen. Had they no Carbines?

Turton, No, but only Horse-Pistols.

Mr. Att. Gen. Did you not observe any other Arms, or other Furniture?

Turton, I did see a pair or two of Jack-Boots that they Rid in, but I did not see any more.

Mr. Att. Gen. Were there any that were wrapt up in a Horse-Cloth?

Turton, No, I did not see any, they were not brought into the House.

Mr. Cooper, Do you know what time the Horses were Saddled that Day?

Turton, No, I did not.

Parkyns, You observ'd, and said there were two or three Cases of Pistols, did not I always Ride with Pistols.

Turton, Yes, you seldom came without two or three pair when you came with Servants.

Parkyns, And as to the Jack-Boots you said we Rid in them?

Turton, I suppose so.

Parkyns, We alighted at Mr. John's House, and so our Boots were sent thither: and these were small Horses all of them, pray will you tell the Court what siz'd Horses they were, was there ever a great Horse among them?

Turton, Never a one, I believe that exceeded above Fourteen Hands and a half, some under Fourteen.

Mr. Sol. Gen. Did you see the Roan Gelding, what size was that?

Turton, A small Padd that might be about Thirteen and a half.

Mr. Att. Gen. Did you ever see him come with so many Horses before?

Turton, I have seen more at the Sword and Buckler, when I lived there; and he used to Inn there.

Mr. Att. Gen. How many have you seen at the Sword and Buckler?

Turton, I have seen four or five at a time, but this is many years ago, Seven or Eight years ago; when he used to keep his Coach and Four Horses, and come up with several Saddle Horses with him.

Mr. Att. Gen. How long have you lived at the George Inn?

Turton, About Two years.

Mr. Att. Gen. Did you observe any other Horses that stood there?

Turton, There were two that were pretty sizeable Horses, larger than any of Sir William's own.

Mr. Att. Gen. Whose were they?

Turton, I cannot tell.

Mr. Att. Gen. Did any Body own them?

Turton, I don't know who owned them, there was one that paid for their Meat, and took them away.

Mr. Att. Gen. Who is that?

Turton, Truly, Sir, I cannot tell, I do not know who he was; I never saw him in my Life.

Mr. Sol. Gen. Has Sir William Parkyns, any more Questions to ask him?

Parkyns, No, Sir.

Mr. Att. Gen. Then, my Lord, we shall call no more Witnesses, unless he gives further occasion, we leave it here till we hear what he says to it.

L. Ch. Just. Holt, Sir William Parkyns, Mr. Attorney General, and the King's Counsel have done; now, is your time to make your Defence.

Parkyns, My Lord, I rely upon your Lordship for my Defence? For I am ignorant of these proceedings; I rely wholly upon your Lordship, to give a true account of them to the Jury: I hope your Lordship is so Just, that you will Repeat the Evidence to the Jury as it is, and no otherwise. But I do not observe, that as to the Assassination there is more than one Witness, and that is Captain Porter: there is not a tittle more: and as to that, I suppose your Lordship will declare to the Jury, that I was not concerned in it; and Captain Porter declares, I was to have no hand in it, onely I was to furnish Five Horses, and accidentally I was at some Meetings, but he does not declare that I was to do any thing in particular.

L. Ch. Just. Holt, Yes, yes, you agreed upon the Debates to the several Resolutions, of Assassinating the King, and said, that it was necessary and fit to take him off.

Parkyns, Still, that is but one Witness, I deny it utterly, and the Law says positively there shall be two Witnesses.

L. Ch. Just. Holt, Not to every Overt-Act, there is no Law says so.

Parkyns, As to the Assassination there is but one, no other but he; and so as to the Regiment he did not say that I was to raise a Regiment; but that he was told by a

Gentleman that I had been desired to be in the matter, but I would not, because I had engaged in another business, about a Regiment, but this was all but hear-say.

L. Ch. Just. Holt, Yes, he said you own'd you had a Regiment. Besides it is said, you own'd you had your Saddles, and your Troop consisted of Old Soldiers.

Parkyns, No, Captain Porter never said so.

Mr. Att. Gen. That was Sweet.

L. Ch. Just. Holt, You told Porter, you had a Regiment to look after.

Parkyns, Captain Porter is here, I desire he would explain himself.

L. Ch. Just. Holt, Yes, and you told Sweet, that your Troop consisted of Old Soldiers, and that you had bought Thirty Saddles.

Parkyns, My Troop, aye! but still there was nothing of a Regiment; nor did they say I had raised a Regiment, or a Troop, or was to raise a Regiment.

Sweet, You told me your Troop consisted of Old Soldiers. I did not say that you said, you had raised or would raise, but it did consist of Old Soldiers.

L. Ch. Just. Holt, He says, that which makes it plain, that you were to have a Troop, or had a Troop, consisting of Old Soldiers, besides Volunteers that had been Officers: and that you had bought a great many Saddles, Thirty Saddles; and you were to go into *Leicester-Shire*, and accordingly you did go, and upon your return, you did give an account that all was well, and the *West* was as well inclined to King James's Interest as the *North*.

Parkyns, That I went into *Leicester-Shire*, and met several Gentlemen, and that they were all well inclined; I hope that is no Evidence of Treason against me: Every body ought to be well inclined.

L. Ch. Just. Holt, Aye! But they were all well disposed, or inclined to King James's Interest.

Parkyns, He did not say so, if your Lordship pleases to call him again.

L. Ch. Just. Holt, Call him again.

Sweet was set up again.

Mr. Sol. Gen. What did Sir William Parkyns tell you of his Journey into *Leicester-Shire*?

Sweet, He said that he had been there, and had met his Friends, and all was well.

L. Ch. Just. Holt, What did he say? Did he Name King James?

Sweet, He did not Name King James to me at that time.

L. Ch. Just. Holt, What was the Discourse about, that they were all well inclined to?

Sweet, He always named it the King's Interest, and did not name King James, but I understood it, and always took it to be King James he meant.

Mr. Mountaigne, What did he say of the *North* and *West*?

Sweet, He said that the *West* was as well inclined to the King's Interest as the *North*.

Mr. Att. Gen. What did he say before he went?

Sweet, He told me he was to go into *Leicester-Shire*, to meet some of the King's Friends.

Parkyns, Pray, Recollect your self, and consider what you say.

Sweet, He said some Gentlemen Rid as far to meet him, as he did to meet them.

Mr. Att. Gen. Was that the time he talk'd about the Troop?

Sweet, No, that was before this time. I cannot remember the particular time; it was at his own House, and Captain *Sindamore* was with him.

Mr. Att. Gen. When was the Discourse about King James's Landing?

Sweet, He told me that he believed now that King James would Land, he said he had his own Word for it, it was about Christmas.

Mr. Att. Gen. What did he say about preparation for it?

Sweet, He said his own Troop was to consist of Old Soldiers.

L. Ch. Just. Holt, Did he tell you he had a Troop?

Sweet, I speak his own Words, he said, my Troop consists of all Old Soldiers.

L. Ch. Just. Holt, Was it consists, or will consist, though I think there may be no great matter of difference in this case?

Parkyns, Yes, my Lord, but there is a great deal sure, for will consists shews nothing yet done, and all is but Words.

L. Ch. Just. Holt, Sweet, Answer to Sir William Parkyns's Question.

Sweet, I tell your Lordship, I repeat his own Words, my Troop consists or is composed of all Old Soldiers.

Mr. Cowper, What did he say of Volunteers?

Sweet, He said, there were some Gentlemen that would go along with him as Volunteers, that had been Old Officers.

Mr. Cowper,

Mr. Cowper, Pray, let me ask another Question; when he Discourf'd of the prefent King, by what Name did he ufe to fpeak of him?

Sweet, He call'd him by the Name of the Prince of *Orange*.

Parkyns, Pray recollect your felf, *Mr. Sweet*, and think of what you fay, fince he was declar'd King, did I ever call him Prince of *Orange*? I am upon my Life, and pray fpeak nothing but the truth.

L. Ch. Juft. Holt, Confider, and answer the question, what did he ufe to call him?

Sweet, Truly, my Lord, I am not pofitive as to that, I understood it fo, I never knew that he allow'd him to be King of *England*.

Parkyns, Did you ever hear me call him Prince of *Orange* fince he was King?

L. Ch. Juft. Holt, Look ye, Sir, how long have you been acquainted with him?

Sweet, About Three years, my Lord.

L. Ch. Juft. Holt, Well, that is long fince his Majefty was declar'd King, have you ever heard Sir *William Parkyns* call this King Prince of *Orange*?

Sweet, I am not pofitive in that, but I understood he did not allow him to be King.

Mr. Sol. Gen. You frequently difcourf'd with him about the Government it feems; pray what did he ufe to call him.

Sweet, I have heard him call him King *William*, and the little Gentleman.

Parkyns, When ever did you hear me call him the little Gentleman? *Mr. Sweet*, pray, when you are upon your Oath confider well, and recollect your felf, and don't answer rafhly and fuddenly, but think of what you fay. I always exprefs'd my felf, when I had occafion to fpeak of him, and call'd him King *William*, as other people ufe to do, I never us'd the words, little Gentleman, nor Prince of *Orange*, neither.

L. Ch. Juft. Holt, Did you ever hear him call him otherwife than King *William*?

He paufed a while.

L. Ch. Juft. Holt, Pray fpeak the truth, and no more.

Sweet, I have heard him call him Prince of *Orange*.

L. Ch. Juft. Holt, But you have heard him call him King *William* too?

Mr. Sweet, Yes,

Mr. Cowper, But pray when he fpoke of the King, what King did you underftand by it?

Sweet, I uf'd to underftand King *James*.

Parkyns, What is that to me what he underftood?

L. Ch. Juft. Holt, But I would obferve to you one thing, when you came from *Leicefter-shire*, you talk'd how well difpos'd they were to the King's Intereft; he fays, he underftood that King to be King *James*, and you faid the *West* was as well difpos'd as the *North*; pray now, were you employ'd by King *William* to fee how the Gentlemen flood affect'd to him?

Parkyns, No, nor by King *James* neither.

L. Ch. Juft. Holt, Why then fould you concern your felf for the King's Friends, in the *West* and the *North*?

Parkyns, I never was in the *West* in my Life, and therefore I can't tell why I fould tell him any thing about the *West*.

Mr. Att. Gen. Pray, Sir, when was it that Sir *William Parkyns* fpoke about the King's Landing?

Sweet, It was about *Chriftmas*, he faid he believ'd he would Land.

Parkyns, Did I tell you pofitively it would be fo then.

Mr. Att. Gen. He tells you he faid you did believe it, for you had it from his own Mouth.

Parkyns, That fhews it is not probable I fould tell him fo, that I fould have it from his own Mouth, carries fuch an improbability with it, that the Evidence is *Felo de fe*, it deftroys it felf.

Mr. Sol. Gen. He does not fay you had it from his own Mouth, but that you had his word for it, and this being about *Chriftmas*, long after our King was return'd, it could mean no other King but King *James*.

L. Ch. Juft. Holt, Look you, Sir *William Parkyns*, there is another thing I would obferve, why did you fend your Man to *Kensington* to one *Brown*? who is that *Brown*, and what was the Man that lodg'd at the Confectioners in *Holbourn*.

Parkyns, I cannot tell who it was, I know neither *Brown* nor the other Man, but I fent my Man at the request of *Mr. Charnock*, who lodg'd in the fame Houfe with me; he defir'd he might go upon an Errand for him to *Kensington*, and I directed him to

go upon such an Errand, for he was formerly Mr. Charnock's Servant, and I desired him to go of the Errand if he requested it. Who these Men were I know not, neither of them, nor any of their Business.

L. Ch. Just. Holt, But he was bid by the Man that lodged at the Confectioners to tell his Master that he would stay within for him.

Parkyns, That might be Mr. Charnock, for he was his Servant once.

L. Ch. Just. Holt, But he says he carry'd the Message to you, and you receiv'd it. Well have you any more to say?

Parkyns, My Lord, I think there is but one positive Evidence of any one Overt-Act.

L. Ch. Just. Holt, Yes, what do you think of the design of bringing in King James, and consulting about it, and assisting in the Invasion, and preparing a Troop, and providing Arms and Horses, are not these Overt-Acts. Do you think your having a Troop of old Soldiers is no Overt-Act?

Parkyns, There is no positive proof of any Troop, or any Arms.

L. Ch. Just. Holt, It is proved there were Arms sent by you at Michaelmas last to Mr. Haywoods, Charnock's Brother-in-Law, and these lay there till *Thursday* last, after your Name was in the Proclamation, and then they were removed in the Night, and buried at your House, and were taken up there, and here is an Account given what Arms they were, Four dozen of Swords, Twenty five pair of Pistols, Thirty two Carabines.

Parkyns, First it does not appear when these Arms were bought, nor for what intent they were brought from Haywoods.

L. Ch. Just. Holt, But what use had you, a private Man, for so many Arms, and then your going into *Leicester-shire* to meet some Gentlemen, and your giving an account how they stood affected to the King's Interest, whether that be understood for the Interest of King James, I must leave to the Jury, since you give us no account that you were employed by King William.

Parkyns, My Lord, I went upon my private Occasions, and then talk'd of News as other people do.

L. Ch. Just. Holt, But when you returned back again, you declared all was well, and gave an account how persons were dispos'd in the *West* and *North*.

Parkyns, If there any persons named, or particulars? Can it be an Overt-Act of Treason for me to discover my acquaintance?

L. Ch. Just. Holt, But your going with that design to engage in an interest against the King, and for the late King.

Parkyns, He does not say discovered my design. I went to meet with some Friends of my own.

L. Ch. Just. Holt, Did not he tell you he was to go into *Leicester-shire*?

Sweet, Yes, he did so.

L. Ch. Just. Holt, Did he tell you to what purpose?

Sweet, He said he was to go to meet some of the King's Friends.

Parkyns, Did I tell you who?

Sweet, No.

L. Ch. Just. Holt, But there was a Lord's Brother, what did he tell you of that?

Sweet, He said all things were well, and the *West* was as well inclined as the *North*.

L. Ch. Just. Holt, To what?

Sweet, To the King's Interest.

L. Ch. Just. Treby, You spoke of a Lord's Brother that was concerned?

Sweet, He said several Persons of Quality in the *West* were concerned, and a Lord's Brother was among them.

Juryman, My Lord, I desire he may be ask'd, when he said the King would Land, what King he meant, whether he named the Late King, or King James.

L. Ch. Just. Holt, Well, Answer that? when he Discour'd to you of the King's Landing, did he Name the Late King James? or did he say the Late King James?

Juryman, Was he mentioned in the Discourse?

Sweet, He never us'd to mention King James to me, but only the King, which I understood always of King James.

Mr. At. Gen. Pray what time was it that he spoke of the King's Landing?

Sweet,

Swear. It was about Christmas. *Mr. Att. Gen.* Therefore no other King could be meant but King James, for there was no other King to Land at that time; and he said he had the King's word for it; I suppose he can't pretend he had King William's word for it.

Parkyns. I hope, to talk of the King's Landing is no Treason, it is but words; if I tell an idle Story of what I think may come to pass, shall that be reckoned Treason? Then for him to say, I had it from the King's own Mouth, it is impossible to be true, and it is no Overt Act, being only Words, and cannot be reputed Treason. And then as to the other two Parts of the Charge, the Consultations which my Lord of Ailsbury, and those other Persons, there is but one Witness, no body but Porter, neither is there any more but he for the Assassination, his Evidence is but a single proof, and there ought to be two positive Witnesses by the Law to each Overt Act.

L. C. J. Holt. No, there ought to be two Witnesses to each Species of Treason; that's all.

Parkyns. There ought to be two Witnesses to both these parts of the Treason.

L. C. J. Holt. I must tell you, Sir William Parkyns, if any person does Design and Con-
trive that the Realm should be Invaded, or the King Deposed, and another set upon the
Throne, that Conspiring to Invade the Realm, or Depose the King are Overt Acts of
High Treason, within the Statute of 25. Ed. 3. and the same Species of Treason as designing
to Assassinate him is. It is Compassing, Designing, Imagining his Death, and Destruction.
Now the Question is, Whether there is not another Witness, besides Capt. Porter, to
prove another Over Act of this Design.

Parkyns. I don't find there is, for all the rest is only Discourse.

L. C. J. Holt. Yes, for what do you think providing Arms for that purpose is only Dis-
course?

Parkyns. The Witnesses don't say, for what purpose the Arms were bought.

L. C. J. Holt. Nor do you tell us of any other purpose.

Parkyns. My Lord, it does not appear when they were bought.

L. C. J. Holt. Ay, but what occasion had you for such a quantity of Arms?

Parkyns. My Lord, I did not buy them after all. I found them, if I had had liberty
to have sent down for Witnesses. I could have proved, that these Arms were in Boxes all
Rusty in my House, when I first came to it.

L. C. J. Holt. Ay, but why were they buried, just at the time when the Plot was
broke out, and the whole Design discovered?

Parkyns. I can't tell, my Lord, how to help it, if they will make an ill Interpretation.

L. C. J. Holt. What Interpretation would you have us make?

Parkyns. My Lord, It is very easie to imagine, People don't care to be found with
Arms at such a time; but however the having of Arms is no Treason. They are as much
a Commodity as any thing else.

Mr. Att. Gen. And then the Horses coming to Town just at such a time, and the Sad-
dles.

Parkyns. I have not bought a Horse this two Years, and I travelled in no other manner
than I used to do. So the Groom tells ye, I used to come to Town with three or four
Horses always. I never kept less than six or seven Horses this twenty Years, sometimes
a great many more; and they were little Horses, Padds, no way fit for the Service they
are presumed to be for.

L. C. J. Holt. Have you any thing more to say, Sir?

Parkyns. I hope, my Lord, as to the Assassination I am clear: Perhaps the World may
imagine, I have had some Inclinations to King James's Service, and perhaps they may
not think amiss; but I never did any thing, nor had an opportunity to do.

L. C. J. Holt. God be thanked you had no opportunity.

Parkyns. And I hope my Life shall not be taken away without proof, I hope it will be
rather thought, that every one should be taken to be Innocent, and it should better please
the King, that I should be acquitted, than to let me be found guilty upon slight Grounds,
and Imaginations, of which little or nothing can be made.

L. C. J. Holt. No question of it, it will please the King, and every body else; that you
should be found Innocent.

Parkyns. Then, I hope, my Lord; you will not strain the Law to take away my Life;
according to the Rule, That it is better five guilty Men should escape, than one innocent
Man suffer: For the Blood of a Man may lie upon every body, if it be causlessly shed;
and it is very severe to strain the Law to take away any Man's Life.

L. C. J. Holt. Look ye, Sir William Parkyns, I must tell you, You may be under a ve-
ry great mistake; you may think it necessary to have two Witnesses to every Overt Act;
but that is not so; for if there be one Witness to one Overt Act, and another Witness to
another

another Overt Act of the same Species of Treason ; that is all that the Law requires.

Parkyns. Here are two Species of Treason, Laying War is one Specie, and Assassination is another.

L. C. J. Holt. Your Design was Originally, the Restoring of King *James*, and in order to that the Dethroning of King *William*.

Parkyns. That appears but by one Witness which is not according to Law, which requires two.

L. C. J. Holt. One way of effecting your Design was by Assassination, the other by Invasion, or by Force.

Parkyns. Still, my Lord, here is the same Witness, and that is but one:

L. C. J. Holt. Yes, there are two.

Parkyns. None but Capt. Porter.

L. C. J. Holt. What, not, as to the Restoring of King *James*, which tends to the Dethroning King *William*.

Parkyns. In what Particulars, my Lord?

L. C. J. Holt. Your providing Arms, and going to *Leicester-shire*, and sending *Charnock* on that Errand into *France*. As to the Assassination, indeed there is but one positive Witness besides other Circumstances which have their weight, but as to the other, you said the King would come.

Parkyns. It was my Opinion, that's all.

L. C. J. Holt. But you said you had his word for it.

Parkyns. Does not that Answer it self, my Lord? is it possible it should be true, that I who was in *England* should have the word of one that is at such a distance beyond Sea?

L. C. J. Holt. And then your buying of Saddles, for what purpose were they?

Parkyns. My Lord, does he say it was in order to it? I am sure he does not, and I hope I shall not be presum'd out of my Life.

L. C. J. Holt. When you talkt of the King's Landing, and said, you had his word for it; you likewise said, your Troop was made up of old Soldiers, besides Volunteers that had been Officers.

Parkyns. Still there is nothing done; he does not say, there was one Man raised.

L. C. J. Holt. And your going into *Leicestershire* upon such an Errand, as you told him you went upon.

Parkyns. Well, my Lord, I must leave it to your Lordship. I hope you will consider well of it.

L. C. J. Holt. We must do that which is right between the King and his Subjects.

Parkyns. And, I hope, my Lord, the Conversion of Subjects is more acceptable than the Destruction of them; and the Governement is more concern'd to save the Innocent, than to stretch the Law to punish Guilty.

L. C. J. Holt. It will be more acceptable, and indeed the King and Kingdom are very much concerned in this matter, and at this time, Sir *William*, and the Government ought to take care to preserve it self. Have you any more to say, Sir, if you have, pray speak it?

Parkyns. I have no more. I submit it to your Lordship: I think there is but one Witness, and all the other is but Conjecture and Nonsense; and one Witness is not sufficient, by the Law of *England*, for by the Statute there must be two.

L. C. J. Holt. I have told you my Opinion.

Parkyns. Besides, your Lordship has knowm me this many Years, and you know that my Education was not to War, and Fighting, but the Gown; and your Lordship knows how peaceably I have lived.

L. C. J. Holt. I have known you heretofore, Sir *William*, while you kept your Profession and your Gown.

Parkyns. And now in my old Age, my Lord, I am grown Lame, and lost the use of my Hands with the Gout, and scarce able almost to go on my Feet. Therefore it cannot in reason be thought probable, that I should engage in such a business as this; and therefore I hope you will interpret all things in a milder Sence, in favour of Life, rather than for the destruction of it, and the ruine of a Man's Fortune and Family.

L. C. J. Holt. I tell you, You have had my Opinion concerning the number of Witnesses: I suppose, my Lord and Borthor will declare theirs.

L. C. J. Treby. My Lord Chief Justice, it seems, does please to have us deliver our Opinions; I think we ought to be very tender in a Case of Blood: I think the life of Sir *William Parkyns* is at stake, and we ought to be carefull that he have no wrong done him: but I think in the Cases of Treason, especially of this nature, the life of the King, and the lives of all the innocent People of the Kingdom are also at stake; and we must be indifferent in this case, and by the Grace of God we will be so. The Question that Sir *W. Parkyns* proposes,

poses, is, Whether there are two Witnesses upon this Evidence, to this matter of which he is indicted, which is, the Compassing and Imagining the King's Death. One Witness, at least, does positively prove, that you Sir *William Parkyns* did agree to the Design of assassinating the King's person, and promise to provide and contribute Horses and Arms to that purpose. Now suppose this is proved but by one Witness, and the Evidence had gone no further, then your Objection would have had a very good ground, that this could not be a legal Proof of Treason; but I must tell you, that this Treason of Compassing and Imagining the King's Death may be made evident by other Overt-Acts, besides that of Assassination: To conspire with a foreign Prince, to invade the Realm, to provide Arms, to joyn with Invaders, and to make an Insurrection against the King, these are Overt-Acts of Imagining the King's Death. For it cannot be supposed, but that he that would have an Invasion and an Insurrection against the King's Person, does intend the Destruction of the King; he that would take away all his Defence, which he might have by the Assistance of his Subjects, and leave him exposed to his mortal Enemies, cannot but be presumed to design the King's Ruin and Murder. Therefore, Sir *William*, such things being in their Nature a Compassing and Imagining the King's Death; your providing Arms and a Troop are Evidences and Overt-Acts of this Treason; and so will your going up and down and meeting People in order to rise, if that were your business in *Leicestershire*, &c. as it seems by the Evidence it was.

Parkyns. But that is not said, my Lord, I humbly beg your pardon for interrupting you; it is not said, That I met them to rise, by no Evidence whatsoever, and therefore, pray my Lord, do not enforce it beyond what the Evidence has proved; he said, I went to meet my Friends: was there any thing said, it was in order to a Rising?

L. C. J. Treby. I think you mistake your own words, as you spoke them to be Witnesses, if I did take them, as I think I did right, for they were several times repeated. I will do you no wrong, Sir *William*, I assure you. You went into *Leicestershire*, and you say, It was to meet your Friends, the Witness says, It was to meet the King's Friends: by the King, it is very plain, you meant not King *William*, but King *James*; for you spoke before of the King's Landing, which was at *Christmas* last, when every body knows King *William* was in *England*. These coupled together —

Parkyns. I beg your Pardon, my Lord; those two things are not both to be joyned together, the discourse of the King's landing was at *Christmas*, as he says, the other thing, my Journey into *Leicestershire* was a Month afterwards, and therefore they cannot be coupled together.

L. C. J. Treby. The coupling of them, that I meant, was only to shew who was understood to be spoken of by you, when you named the King; so the Question is, Whether you did not mean the same person in *January* that you meant in *December*, by the word King, especially since as a Discovery you had made, you said further, that the *West* was as well inclined to the King's Interest as the *North*, and a Lord's Brother was concerned in it. If by the King, you had meant, King *William*; how impertinent and insensible had been all this Discourse, that the *West* was as well inclined as the *North*, and that a Lord's Brother was concerned in it; concerned in what? In being inclined to King *William*, to what purpose could that be said?

Parkyns. It may as well be interpreted that way as the other.

L. C. J. Treby. I must leave that to the Jury. And I confess, if there were not somewhat more in the case, you might the better argue upon this, as to the Interpretation. But laying aside the consideration of your riding into *Leicestershire*, &c. here is this providing of Arms, proved by 4 or 5 Witnesses, and the serving of them in that manner; and there is no account given by you, that they were provided for the service of the Government, or that you were employed so to do. Certainly it is not lawfull to provide Arms, especially for a whole Troop, as for ought I perceive here was, tho' indeed I am not skillfull enough in those businesses, to know how many make up a Troop: but it's plain here was an Insurrection intended, when the Invasion was made; and that is an Evidence, that these Arms were to be employed upon that account, for no other use was to be made of them, nor is pretended. If you had found those Arms in your House (as you say) it had been your Duty to have delivered them up, or disposed of them to the Use and Service of the Government; which service too, could only be when you had a Commission from the Government, and not of your own head. And then, besides all this, you acknowledged that you had a Troop of old Soldiers.

Parkyns. It is but slidingly that, for he only tells you, that a Troop would be composed of old Soldiers.

L. C. J. Treby. How can that be? when he says, he repeats your own words, My Troop consists of old Soldiers; can any body say, that his Troop consists of old Soldiers, without having a Troop.

Parkyns.

Parkyns. Pray Mr. *Sweet* speak, my life is at stake, did I say to you, it did consist, or it was to consist, recollect your self, and consider well before you speak.

L. C. J. Holt. What was it that he did say? it did consist, or it would consist.

Sweet. He said his Troop was composed all of old Soldiers.

Parkyns. But does it appear by any Evidence, that I had a Troop; if I had, who were they? none of these Men do appear. Does this Troop consist of Men in the Air? that I should list Men that are all in *Nubibus*, and not one of them to be known. Suppose I should tell him a Lie or make some Brags, is this Treason, here is no person proved to be listed or named.

L. C. J. Holt. But Arms were found in your house for a Troop.

Parkyns. But where they were bought, and when they were bought and made ready, it does not appear; and I affirm to your Lordship, if you would give me but one Days time, I would prove, that they were at my House at *Warwickshire*, when I first came down thither, which is too years ago. And I'll fully make it out to your Satisfaction, or I'll be crucified or any thing in the World. I can prove it by a great many Witnesses, by my Friends, and all the Servants that belonged to me, they were there long before this Discourse was had or thought off.

Mr. Justice Rokeby. If your Lordship expects that I should deliver my opinion, I am ready to do it. As to this matter of Law that Sir *William Parkyns* has proposed, he says, There are not two Witnesses to the same Over-Act, and therefore no Evidence of Treason; truly, I take it, and always did, that the Law is, there need not be two Witnesses to the same Overt-Act; but if there be two Witnesses, one whereof speaks to one Overt-Act, and another to another Overt-Act of the same Species of Treason, these are two Witnesses within the Law. Now I think, there are two Overt-Acts in the Indictment of this Treason. The Treason is compassing the Death of the King; the Overt-Acts are first the particular Design of the Assassination upon his person, and the other is the bringing in of a foreign Force, and preparing Horses and Arms to meet that foreign Force here: all this to the same Intent and Purpose, the compassing and imagining the King's Death. Now besides that of the Assassination, there are a great many Witnesses that prove there were Arms prepared; for there are found a great Quantity, when they open'd the Boxes, which Boxes, it is plain, he himself sent down to *Haywood's* House: For tho' *Charnock* writ a Letter, yet it was by his Direction, as he own'd to *Haywood*, when he was here in Town. And then his Servant fetch'd them away from this place, and this I take to be another Overt-Act, and proved by several Witnesses. Sir *William Parkyns* speaks of his being a Gown-man, but I do not know what a Gown-man has to do with such a quantity of Arms.

Parkyns. If you will give me leave to send for some People, I will demonstrate it to you as clear as the Sun, that they were in the House two years ago, when I came first thither.

Mr. Justice Rokeby. There were preparations two years ago, it appears for the Destruction of the King and Kingdom, how ever the Men that were accused of it, had the luck to escape and be acquitted.

Parkyns. My Lord, I hope I shall not be interpreted out of my life, I desire the Statute may be read.

Mr. J. Rokeby. What Statute do you mean.

Parkyns. The 25 of *Edw. 3.* and the new Statute too, let them both be read to the Jury, that they may consider of it.

The Statute of the 25th. of Edw. 3. was read.

Parkyns. There is nothing of 2 Witnesses there.

L. C. J. Holt. No, but there is another Statute of the 5th. *Edw. 6. Cap. 11.* that may be more for your advantage, will you have that read?

Parkyns. Yes, if you please, I know there is another Statute that does direct it, and I expected to have found it in this Statute.

Cl. of Arr. This is an Act made in the 5th. and 6th. years of King *Edw. 6th.*

The Statute was read to these words, *Unless without Trial he shall confess the same.*

Parkyns. There's enough.

L. C. J. Holt. You have heard the Statute read, would you infer any thing from it?

Parkyns. I infer that there ought to be two Witnesses, and here is but one.

L. C. J. Holt. There are two Witnesses.

Parkyns. Not direct to the same thing.

L. C. J. Holt. I shall leave it to the Jury, whether this Evidence does not prove an Overt-Act, to demonstrate a Design against the King; if the Design be to depose him, and that's manifested by two Overt-Acts, and undoubtedly that is Treason within the Statute of 25. of *Edw. 3.*

Parkyns.

Park. That I agree, but yet there must be two Witnesses of it.

L. C. J. Holt. Suppose dethroning the King be the main design that strikes at his Life, and you resolve it shall be done one way or other. One way by Assassination, the other by Insurrection; or by Invasion and joyning with a Foreign Army.

Park. My Lord, I conceive there ought to be two Witnesses for each.

L. C. J. Holt. No, no; for that very last Act that is to take effect in a few days, declares it is sufficient if there be one to one Overt Act, and another to another, but still it must be of the same head or species of Treason; and deposing the King, and assassinating of him, and preparing to raise an Army against him, or to excite an Invasion, are but one sort of Treason.

Park. It may be so, if they were Overt Acts of one sort of Treason; but rising in Arms, and Assassination are as different things as can be in the world, and therefore there ought to be two Witnesses to each of them.

Mr. J. Rookby. That which I delivered as my opinion was, that one Witness proving one Overt Act, and another Witness proving another Overt Act of the same sort of Treason are two good Witnesses, according as the Law requires. And I am the more fully confirmed in it, by the Clause that is in this new Act of Parliament, made for Tryals in Cases of Treason, that a man shall not be convicted of Treason, but by and upon the Oaths and Testimony of two lawful Witnesses, either both of them to the same Overt Act, or one of them to one, and the other of them to another Overt Act of the same Treason.

Parkyns. Of the same Treason, aye.

Mr. J. Rookby. And here it is the imagining the Death of the King, that is the Treason.

Parkyns. Then you may say every thing else is so; but if you please to let the whole Statute be read.

L. C. J. Holt. You shall have it read if you will; but this is all that is in it concerning this matter. Now a design to depose the King, which manifested by some Overt Act, is an Overt Act to prove the design of the Death of the King.

Parkyns. Then it must be manifest, and not by Interpretation; and all these things are by Interpretation, except it be what *Porter* swears.

L. C. J. Holt. If by Overt Act it be proved, that you designed his Deposition, that is an Overt Act to prove your design of his Death.

Parkyns. They are very different things, Death and Depositions. We have seen a King deposed, and yet he is alive.

L. C. J. Treby. I am sure we have seen a King agreed to be assassinated, and yet, God be thanked, he is alive still.

L. C. J. Holt. It is not the succeeding in the Design, but the Design it self that is the Treason. God forbid that it should have Success to make it Treason.

L. C. J. Treby. But whenever people will agree together to bring in Foreign Forces, or to prepare Men and Arms against the King that is in Possession, this is reckoned an Overt Act of a Design against his Life, and has always been reckoned so by my Lord Chief Justice *Hales*, my Lord Chief Justice *Coke*, and by all those Men that have been reputed, the most tender in Cases of this nature: For any Act that expresses an intent of dethroning the King, by means of an Invasion by a Foreign Force, and an Insurrection against the King, is a proper proof of a Design of his Destruction; and if not, then agreeing to shoot him is not an Overt Act. Men may say also, but there need be actual Shooting to make out the Overt Act in that case.

Parkyns. If your Lordship pleases to have the Act read, I shall submit to your Lordships Judgment.

L. C. J. Holt. Let it be read.

Parkyns. If you please to read the Act, the Preamble of it.

Cl. of Arr. This is an Act made in the 7th Year of our Sovereign Lord the King. Is that the Act? It is an Act for Regulating of Tryals in Cases of Treason, and misprision of Treason. Is that the Act?

Parkyns. Yes, yes.

The Act was Read.

Mr. J. Rokeby. I believe if you look into the great Case in Parliament, the Case of my Lord *Stafford*, you'll find it was declared for Law, that one Witness to one Overt Act, and another Witness to another Overt Act of the same Treason, they were two Witnesses within the Law, and this was a solemn resolution in Parliament in the House of Lords.

Parkins. I believe it has been done; but here is a beneficial Law made, which if my Tryal had been put off a few days, I should have had the benefit of.

L. C. J. H. It would have been the same thing as to this matter, for this Act declares the very same thing, as to the two Witnesses.

Parkins. And then my Lord, I could have had Witnesses to have taken off a great part of this Evidence, and the Law comes to take effect within one day, and it turns here upon this matter of *Sweets* who is not a good Evidence, for it is manifest he has contradicted himself, and it is manifest he has sworn what cannot be true.

L. C. J. H. Wherein?

Parkins. That I should say the King would Land here, for I had his word for it.

Mr. J. Rokeby. You might have his word, and not delivered by his own mouth; there are other ways to convey a mans word besides speaking.

Parkins. But then we don't call it his word, that's hearsay.

Mr. J. Rokeby. If a man write his Note that he will do such a thing, we may very well say we have his word for it.

L. C. J. H. It is not impossible but that you might speak with him.

Parkins. It is impossible I should speak from hence to *France*.

L. C. J. H. You might have been over with him, I believe a great many others have, and it's proved *Mr. Charnock* went over.

Mr. J. Rokeby. If any man should have said at the latter end of the last month, I believe that there was an Assassination intended against the King, because I have his word for it, merely from reading his Speech to the Parliament, wherein he affirms that he had several proofs of it, that had been a proper expression, tho he did not hear the King speak it?

Parkins. Yes, if he had the Speech to produce.

Mr. J. Rokeby. Then if it come by Letter or Message, or by Common fame, he might send you word by a particular Messenger.

Parkins. Yes, if there was any such authority as that it were true. But he has manifestly contradicted himself, and Captain *Porter* swears for his own life, and I must leave it to you whether they are to be believed.

Mr. J. Rokeby. Captain *Porter's* testimony has been sufficiently confirmed by the acknowledgement of dying Persons.

L. C. J. H. Well, have you any more to say Sir *Wm. Parkins*?

Parkins. No my Lord, I submit it to your Lordships direction.

L. C. J. H. Then what say you to it, Mr. Att. or Mr. Solicitor.

Mr. Soll. Gen. May it please your Lordship, and you Gentlemen of the Jury, I am of Council for the King in this matter, and it is my turn to sum up the Evidence against the Prisoner at the Bar. He stands Indicted for compassing the Death of the King, for designing to depose the King, for promoting a foreign Invasion, for intending an Insurrection here at home, and for aiding and abetting the Kings Enemies, and for doing what he could to procure the subjection of his own Country to Foreigners and Strangers.

Gentlemen, some of these Crimes run into one another; designing the Death of the King by Assassination, and designing to depose the King amount to one and the same thing, with Compassing and Imagining the Death of the King.

My Lords, the Judges have given you their opinion in that point of Law, and I think it is agreeable to all the resolutions that have been since the making of the Statute of 25 of *Ed. 3d.* I think that it has been explained so in the time of *Richard the Second*; but this I am sure of, that it was so resolved in the time of *Harry the Fourth* when there was a design to set up *Richard the Second* again, and it was adjudged to be High Treason in Compassing and Imagining the Death of the King. For deposing the King, is destroying him in his politick Capacity, as much as Assassination and Murdering of him is destroying him in his natural Capacity; and the

the Conspirators in such Cases know what the great end is they aim at, to subvert the Government as it is established by Law, whereby every man enjoys his own property, and the freedom of his person, and those that will be quiet may have their liberty and property preserved intire to them, but some people are so very impatient of submitting to the Law, that they cannot be content to be in servitude themselves, but they must needs do all they can to bring it upon their fellow Subjects. And it were very well if that those who are in love with slavery would but go to some other places where they may have enough of it, and not bring it upon those who are so little desirous of such a thing, as we are and I hope shall always be.

Gentlemen, to prove Sir *Wm. Parkins* guilty of this Treason whereof he stands indicted, we have produced several Witnesses: and first there is Mr. *Porter*, and he tells you Sir *Wm. Parkins* told him he had seen a Commission from King *James* written with his own hand for making War against the person of King *William*.

Parkins. Sir I beg your pardon for interrupting you, but there was not one word of that said, here is Mr. *Porter* pray ask him, if ever I saw a Commission from King *James*.

L. C. J. H. Porter did say so, if I remember any thing *Porter* said, you told him you had read the Commission, and it was written with his own hand.

Parkins. All that I heard of it was, that when I was desired to make one in the Assassination, I refused it because I said I was busy about the matter of my Regiment.

Mr. Att. Gen. Pray call *Porter* again. (Capt. *Porter* came in)

Mr. Soll. Gen. Pray Captain *Porter*, will you give the Court and the Jury an account what you heard Sir *Wm. Parkins* say, about the Commission that came from King *James*.

Cap. Porter. I askt Mr. *Charnock* why I might not see the Commission, and he told me he had never seen it himself, but Sir *Wm. Parkins* had. I did ask Sir *Wm. Parkins* whether he had seen it, and he told me he did see it and read it, and it was to raise War against the Person of the Prince of *Orange*.

Mr. Att. Gen. Whose hand was in it did he say?

Capt. Porter. It was all written with King *James's* own hand.

Parkins. This was my mistake, I thought he had said I told him I had a Commission for a Regiment.

Mr. Mountague. Did he give any reason why it was written with King *James's* own hand.

Cap. Porter. We used to say amongst our selves it was, because he would not trust any of his Ministers with it.

Mr. Soll. Gen. I would not do Sir *Wm. Parkins* any wrong, but only sum up what is material in the Evidence given against him. I remember very well Mr. *Porter* said, Mr. *Charnock* told him Sir *Wm. Parkins* had seen the Commission, but I would not offer that as Evidence against the Prisoner what another told him, but he says besides that Sir *Wm. Parkins* told him himself, that he had seen it, and that it was written with King *James's* own hand. He says that they had several Meetings together, Sir *William Parkyns*, and a great many others; and he names the places, the *Naggs Head* in *Covent Garden*, the *Sun Tavern* in the *Strand*, and the *Globe Tavern* in *Hatton Garden*; he tells you particularly, that it was agreed that King (who was executed) and *Knightsly*, and himself should go and view a place that should be proper for the Assassination, and to give a Report to the Prisoner, and the rest of the Conspirators, what they thought the most proper place; and that accordingly they did view the place, and came home at night, and met the Company, whereof Sir *Wm. Parkyns* was one; and they gave an account how the place was viewed, and which was thought most proper, and then all the Company agreed to it. He says indeed, that Sir *Wm. Parkyns* was not one that was to execute it in his own person, but one *Scudmore* was to be the man employed by him, and he did say it was a thing that was very necessary to be done, and would facilitate the Introduction of King *James*, and the bringing him back again: And there is likewise this concurring Evidence of Mr. *Porter's* with what I shall observe by and by, that Sir *William Parkyns* was to procure five Horses, three whereof he was to mount himself, and two he was to send Captain *Porter* to mount, and if there were further occasion he could procure

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more from Mr. Lewis, Gent. of the Horse to my Lord *Feversham*, and accordingly we have produced to you 2 Witnesses, *Freeman* and *Turton*, the one a Tapster, the other an Hostler that lived at the *George Inn* in *Holbourn*, who give you an account that upon *Friday* before the first day that was designed for the Assassination, there did come 3 Horses to Town, for Sir *Wm. Parkins*, but it being put off upon the disappointment, they were sent out of Town again. Upon the *Friday* afterwards, the day before the discovery, then there were 4 Horses brought to Town, and a 5th was borrowed of Mr. *Lewis* which was a Roan Gelding.

Parkyns. Pray, Sir, will you please to observe what sort of Horses they were; and particularly the height of them, that it may be known how fit they were for this business.

Mr. Sol. Gen. I will do you no wrong, Sir *William*, if I can help it: The Jury have heard the Evidence; and by and by they will hear my Lords Directions: but they do say there were 4 brought to Town, and a fifth was sent, a Roan Gelding; first the Witness said the Horse came from *Mountain House*, but then presently he recollected himself, and acknowledged the mistake; and afterwards said it was from *Somerset House*. So there were the 5 Horses, 3 whereof Sir *William Parkyns* was to mount, and 2 Captain *Porter*, as he himself says; and these Facts I instance in as making a concurring Evidence, and very near to two Witnesses to prove this part of the Conspiracy.

Then, Gentlemen, Captain *Porter* goes further, and says, that he had heard (but Sir *William Parkyns* did not tell him so himself) that Sir *William Parkyns* had a Commission to raise a Regiment of Horse, and was preparing so to do, against the time of the Invasion, to joyn with the Forces that were to come from abroad. To confirm which we have called Mr. *Sweet* to give you an account, that he had been acquainted with Sir *Wm. Parkyns* for 3 years, and that he had often talkt with him about the King, that is his present Majesty, whom he called the Prince of *Orange*, and the little Gentleman; and about King *James*, whom he used to call always the King; and he said the King was to land very speedily, and that he had a Troop which consisted of old Soldiers, and that there were several Volunteers that were Officers; he said he was to take a Journey into *Leicestershire*, and accordingly he went; and when he returned back again he said, the West and the North were very well inclined to the King's Interest, or to that purpose. And to strengthen his Evidence we prove, that he did go accordingly into *Leicestershire*, and we prove it by his Servant that went with him, where he met with several persons, particularly one *Tarborough* and a Parson; what they did transact the Servant cannot prove, but he is a concurring Witness to prove, that he went into *Leicestershire*; and we have all the reason in the world to believe that he went on that Errand that he spoke of before, that is to meet the King's Friends, as he called King *James*. And then there is a further concurring Evidence of his having a Regiment, or a Troop, it is not material whether it be one or the other; and that is the matter of the Arms, 4 dozen of Swords, 32 Carbines, 35 Cases of Pistols, that were hid in the Garden of his House; and these Arms we have traced further, he sent them from his House to *Haywoods House*, there he thought they would not lye safe, and therefore Sir *William Parkyns* sends for them privately; they were to come away at night, and be brought back to his House, and they were accordingly brought back in the night to his House, and there they were buried; and the same person saw them taken up afterwards, which brought them to Sir *William Parkyns House*, and proves they were the same Boxes that were buried, and which upon opening proved to be these Arms that were first sent to *Haywoods*, and afterwards brought back to his own House.

So that this, Gentlemen, is a concurring Evidence both to what *Sweet* says, and to what *Porter* says, and those are the two Witnesses to this part of the Treason, that there was a provision of Arms and Men for this purpose, which he said he had a Commission for.

Now, Gentlemen, against all this he makes but a very small Objection. As to the matter of the two Witnesses to every Over Act, that has been over-ruled by the Court; and as to the Arms, he says he found them at his House when he first came to it; and when they

were old rusty Arms, but of this he gives you no manner of Evidence. But if they were there when he came to the House, How came he at this time of Day to hide them, and secret them? Why might they not be as publick now as they were before he came, which he has had time enough to prepare to prove since the finding of them? And he does not give you so much as any colourable Reason why he so secreted them. And therefore it is a most just and violent Suspicion that they were for the purposes that the Witnesses have given you an account of; and you have reason to believe they were provided for to arm that Number of Men, which he was to raise to assist the French when they came to land here. So that if you believe what the Witnesses have Sworn, you cannot say, but that he is Guilty of the Treason charged upon him; and we doubt not you'll find him so.

Mr. Cooper. May it please your Lordship, and you Gentlemen of the Jury; I am of the same side of Counsel for the King. Sir William Parkyns has given us a good Caution, which I shall take care to observe; and that is, not to strain either Fact, or Law, to his prejudice. But, my Lord, When such a Matter as this, a Crime of this nature, is so far proved against the Prisoner at the Bar, that no body can in his private Judgment reasonably acquit him; then I think it a good piece of Service to the Publick to make the Matter so plain, that it may be put beyond all manner of Doubt, both for the ease of the Jurors, and for the satisfaction of all others that hear this Tryal.

My Lord, Sir William Parkyns has truly divided his Indictment into two Parts, the one that accuses him of being concerned in the Assassination, and the other that accuses him of being concerned in Inviting the French into the Kingdom, and Ingaging to meet them with an armed Force.

My Lord, As to the first part, I must do Sir William Parkyns that Right, that there is but one positive Evidence as to the Assassination; but that Evidence tells ye he agreed to it at several Meetings; nay, that he was one who said it was necessary to be done, in order to the other Design he was engaged in, the facilitating the Landing of the French, and King James his Descent and Restoration. There is, I say indeed, but one Witness of that Matter, but the Evidence of that one Witness is confirmed by many concurring Circumstances; by his sending for Horses to Town the Day before the first Saturday, when this Execrable Treason was to have been Executed; by sending them out of Town again that Day upon the Disappointment; by sending for them again the Friday before the second Saturday that the King was to have been Assassinated; by his having more Horses than were usual with him that Day; by his asking care then of three Horses that were none of his own, and one of them brought very suspiciously from Somerset-House; and that all these eight Horses should be immediately hurried and carried away upon the Disappointment the second Saturday, and nothing ever heard of them afterwards. I say one of them was brought very suspiciously; for, my Lord, you observe it came from Somerset-House, and sent by Lewis according to the Prisoner's Promise to Captain Porter, which Lewis, it is apparent by all the Witnesses of this Matter, was privy to this Design.

My Lord, There is another Circumstance besides this, which, I think, has not been observed; and that is, his sending for Street up to Town before the second time that the King was to have been Assassinated; he came up indeed before both the times. The first time he was told by the Prisoner, he had once designed to have used him in a Business; but upon second Thoughts he had Compassion for his Family. And when he came the second time, he was first asked what Condition he had left his Family in, whether he had provided them Money. He said, No; and thereupon he was as Child. And the Prisoner said, he might then as well have staid at home. All these Circumstances

ces, besides the one positive Evidence, favour strongly of his having a great Hand in the Design of Assassinating the King.

But then, my Lord, As to the other Part; his Inviting the French, and preparing to meet them, that is positively proved by two Witnesses. Captain Porter tells you, That the Prisoner was at the two Meetings in *Leaden-hall-street*, and *St. James's-street*, where it was expressly resolved by all that were present, and the Prisoner among the rest, to send *Chernock* over to invite the French to invade this Kingdom, and to promise to meet King James at his Landing with Two Thousand Horse. He Swears, That Sir William Parkyns did particularly agree to what was so Resolved upon at both the Consults. And Sweet tells you that he had prepared for the same Design; for that Sir William Parkyns told him, the King would Land, he had his Word for it; and he himself had a Troop of Old Soldiers. My Troop does consist (he spoke it in the present Tense; for it being a Doubt Sir William Parkyns did himself that Right as to examine the Witness again, and he repeated it as his Words, My Troop consists) of Old Soldiers; or is composed of Old Soldiers. And he was to have several Volunteers that had been Officers.

My Lord, These Two positive Witnesses are Evidence that goes to the same Species of Treason, nay to the same Design, the raising a Rebellion, and the Deposing the King, which is Killing him in his politick Capacity; I say, these Two go home to the same Design.

And, my Lord, This Evidence upon this branch of the Indictment, is corroborated too by very strong Circumstances. There is a Journey to *Leicester*, which Sweet speaks of, that Sir William Parkyns told him he would undertake: This Journey it is proved by his Servant that he did undertake; that he met there with several Persons, and came back and made his Report to Sweet of the Success of his Journey, and how well Disposed the King's Friends were, by which Name he always meant King James; for when he spoke of our present King he called him the *Little Gentleman*, for sometimes King William, and sometimes, as the Witness at last said positively, the Prince of Orange. But when he spoke of the King, without any thing else, he always meant King James; and besides, he spoke of a King that was beyond Sea at Christmas last, which could not be King William, who was then, and had been in England so long before.

My Lord, the Prisoner in his Defence says, That this Servant of his that went with him into *Leicestershire*, had been formerly *Chernock's* Servant, and was sent by *Chernock* with the Message to *Kensington*, and not by him. Yet I must observe, that the Evidence swore positively he was sent by Sir William Parkyns his Master, and brought the Note in the Almanack back to the Person to whom he was directed to carry it, who lodged at the Confectioners House; and when he had so done, that the Person that Lodged at the Confectioners did not remit him to *Chernock*, but to his Master Sir William Parkyns, with a Message that he would be at Home, and stay there ready whenever he should have occasion for him; and this was upon the very Saturday the King was to have been Assassinated.

My Lord, Sir William Parkyns has complained, that if he could have had his Evidence here, he could have proved the Arms had been two years in his House, and that he found them there when he came thither first. If we should admit that Matter, we might Confess, and avoid it; for it is apparent, that these Arms were on this Occasion put up in a suspicious manner in Boxes, and sent to *Haywood's*, (who is a Suspicious Person by reason of his Relation to *Chernock*, upon whose Letter and Recommendation they were received) and concealed till the Plot was disappointed; and then they were carried away from that place, and buried in Sir William Parkyns's own Garden. This was just after

ter the breaking out of the Plot; and they were buried for the better securing them as choice Goods. And whereas the Prisoner says they were old and rusty when he found them, it now appears they were clean and new-furbish'd Arms, and the Hilt's were off the Swords, and pack'd together.

My Lord, he has Recourse to another Argument in the last Place, the most moving, I must confess, of all; and that is the Argument of Pity; He has spoke of his Education in the Profession of the Gown, of his Infirmities, his Age, and his Family. Arguments of Pity I am very unfit to give an Answer to, and should be very unwilling to extinguish any Motions of it; but this I must observe even by way of Answer to that Argument, That the Time was when he should have pittied himself, and not engaged in such an Abominable and Merciless a Design. That he should have had Pity upon his Countrey, which he Plot- ted to bring under the greatest Confusion and Desolation; That he should have had Pity upon the best of Kings, and the best of Men; but then there was no Pity, when they thought they had laid their Designs so that they had him in their Power, but they resolv'd Barbarously to murder him, and persisted in the Resolution of Assassinating him after they were once Disappointed: That it seems did not discourage them, but they undertook it a Second Time, and it does not appear that they ever had any Remorse at last for it; but the Plot broke out, and so their whole Design was frustrated.

My Lord, This is the Sum, I think, of his Defence; I'll have as well be I was able given an Answer to the Objections made to it, and I must now leave it with you Gentlemen of the Jury. And though these Considerations that I have mentioned may not quite remove all Compassion, yet they may serve to confirm you in a Resolution of doing the King, and Kingdom, and your Solves Justice; and that is all we ask of you.

L. C. J. Gentlemen of the Jury, *Sir William Parkyn* is Indicted of High Treason, for Designing, Imagining, and Compassing the Death of the present King. There have been several Witnesses produced that have given Evidence upon this Indictment. The first of them is *Mr. Porten* who has been a Witness heretofore against several upon the like Occasion, and he gives you this Account. That about the 22^d of May, at the Beginning of June last, there was a Meeting of divers Persons at the Cocking-Head Tavern in *Leaden-Hall-street* in the City, where they dined together, and there was *Sir William Parkyn*, *Captain Porter* himself, *Sir John Freynick*, *Sir John Friend*, and divers others that he has mentioned to you. At that meeting they did consult together, which way the late King *James* might be Restored, and it was thought very necessary that there should be a French Force sent over hither to join with others for his Restoration. And they did among themselves agree, and determine what number of Forces might be convenient for that Purpose, they did propose Ten Thousand, or Eight Thousand Foot, One Thousand Horse, and One Thousand Dragon. And that a Message should be sent over to King *James*, to perswade him to solicit the French King, to furnish him with such a Number of Men to be sent over into England. *Mr. Chermack*, that was then in the Company, and was the Person agreed upon among them to be the Messenger to be sent upon this Errand, which Employment he did undertake, upon their Promise, that they would raise among themselves Two Thousand Horse for to meet the late King at his Landing.

This being at that time determin'd, and *Mr. Chermack* having accepted this Employment, he did make preparation to go upon this Errand. In some time after, (a Week, or a Fortnight, or thereabouts) there was another Meeting at which were several of the same Persons, which were present at the former, and among them *Sir William Parkyn* was offer'd. And this Meeting was at one Mrs. *Monjoy's*, that keeps a Tavern in *St. James's Street*,

Street, where they did discourse of what they had formerly agreed upon; and did again consider whether they should proceed to send Mrs. Chermock with that Message; to which they all agreed that Mr. Chermock should go, and he accordingly went; and Captain Porter met him about five or six Weeks after the Meeting at Mrs. Mountjoy's, and Chermock told him he had been in France, and that since his return he had been with the several persons who had sent him, and had acquainted them with the Answer of King James, which was, that at that juncture of time the French King had such occasion for his Forces, that he could not then spare them, or furnish him with so many to come over here. This is the first matter that Porter gives you an account of.

But then Captain Porter tells you further, how the Design of Assassinating the King was set on foot about the latter end of January, or the beginning of February last, about which time Sir George Barkley was sent over with a Commission from the late King James, which seems to have given great encouragement to that Party of Men; for Sir George Barkley, Captain Porter, and Sir William Parkyn, with divers others, had several Meetings at the Globe Tavern in *Smiths Garden*, the Nags Head Tavern in *Chancery Garden*, the Sun Tavern in the Strand, and other places. And at these Meetings they entred into Consideration, what was the best way to Restore the late King James to the Throne; and it was agreed among them, that the best Means for the effecting that Restoration, would be to kill King William, which they resolved to undertake; and at these Debates and Resolutions, Sir William Parkyn, the Prisoner at the Bar, was present. Captain Porter being askt whether Sir William Parkyn, at these Councils, did consent to the King's Murder, he said they did all agree to the Assassination of the King; and Sir William Parkyn said so, though it was very necessary to be done, to facilitate the Restoration of the late King.

Gentlemen, This Design of the Assassinating the King being thus Resolved upon; the next thing Considered among them was, how it might be effected; there were several ways proposed: One was by an Ambuscade; for the King having a House in the Country by *Richmond*, His Majesty used to go once a Week a Hunting thereabout, and to return at night; and therefore an Ambuscade on that side of the Water near the House was proposed: then another Proposal was made to fall upon the Guards on this side the Water, and at the same time that the King's Coach was to be set upon. And these two places being proposed, there was some difference of Opinion among them, whereupon it was agreed that some Persons should be sent to view the Ground on both sides the Water, which Persons were Captain Porter, King that was Executed, and one Knightley; and so some days before the 13th. of February they did go on both sides the Water; and viewed the Ground, and returned in the Evening to the Nags Head Tavern according to agreement; where were met together Sir George Barkley, Mr. Chermock, and the Prisoner at the Bar, Sir William Parkyn. And there they made their Report done of their view of the Ground, and upon which both the Proposals were Debated, and at last they did all agree that the Attack should be made upon the King on this side of the Water, in a Lane that was between *Bramford* and *Turnham Green*; and the Attack upon the Guards was likewise to be made thereabouts.

Sir William Parkyn was to furnish five Horses, whereof three of them were to be mounted by Men of his own providing, the other two were to be mounted by Men of Captain Porter's providing. Mr. Porter, Mr. Chermock, and one Rookwood, were to be principally engaged in Attacking the Guards. The number of Men agreed upon for the whole, were about forty or few more, and Sir George Barkley was to have a Party out of them all, of about eight, and as those others went to fall upon, and Charge the Guards, Sir George Barkley with his Party of Men, was to Attack the King in his Coach, and by shooting into the Coach to kill the King and all that were with him.

The

The Time agreed upon for putting this design in Execution was on Saturday the 15th. of February. That day it was expected the King would go a Hunting. And Two Men were planted at Kensington to give notice, when the King went, and upon such notice, these Men were to March out in small Parties, and to Lodge in the Inns, and Publick Houses about Brentford, and Turnham Green, upon notice of the King's Return from the other side of the Water; and Sir George Barclay was to be in readiness to set upon the Coach in the Lane; and the other Party to Attack the Guards.

But this Horrid Design was very happily Discovered; which prevented the King's going abroad on that day; and though they were disappointed for that Time, yet the Design was not at an end: But their Resolutions continue to make the like Attempt when they could have an other opportunity. And for that purpose there was another Meeting, as Captain Porter tells you, upon the Friday following at the Sun Tavern in the Strand, at which Sir William Parkyns, Sir George Barclay, Rodkwood, and Chernock, and Captain Porter, were present, and they did agree to Attack the King and the Guards, the next day in the same place, and manner that they had formerly agreed upon. But by good Providence the King had notice of it, so that he did forbear to go abroad that day, whereby these Conspirators were totally disappointed of their Barbarous and Villanous Design which they had resolved upon, and had made such Preparations to compass.

It is true, Captain Porter does tell you, Sir William Parkyns was not to be one that should be actually present at the Assassination; but he was to furnish Five Horses, Three of them to be mounted by Men of his own providing, and Two by Men that Captain Porter was to provide. And you are told positively that Captain Porter, at this last Meeting did complain that Two of his Horses were fallen lame, and acquainted Sir William Parkyns with it, and he promised to help him to Two more by the means of one Lewis that was Gentleman of the Horse to my Lord Feverham.

Then you are told, that Sir William Parkyns sent to Sweet to come to Town the 11th. of February, and Sweet comes to Town accordingly on Wednesday the 12th. of February, and then he had discourse with Sir William Parkyns at his Lodgings, where Sir William told him, that because of his Family, he would not imploy him in the business he intended for him, and therefore bid him go home again; and with all, directed him to return to Town the Friday following: and order his Groom to bring his Horses to Town; he mentioned Three Horses which should be the strongest he had, the Groom brought up the Three Horses, and Sweet came to Town with him, and staid till Saturday. Sir William Parkyns said he thought to go out of Town in the Afternoon; but did not, but stay'd till Monday, when he went out of Town.

But upon the Friday following, the Horses of Sir William Parkyns were brought to Town again, which now were Four, and were set up at the George Inn in Holborn; and it appears that Mr. Lewis furnished one Horse, for there were Five Horses there upon the Account of Sir William Parkyns, of which a Roan Horse was one which came from Somerset-House. This is proved by the Hostler; and that Lewis himself came in on Saturday in the Afternoon to inquire for Sir William Parkyns, but he was gone and the Horses were taken away, and he once came with Sir William Parkyns to the Inn. These are Circumstances that do Concur with, and Confirm Captain Porter's Evidence concerning the providing Horses for this Design.

Then there is another Particular of Captain Porter's Evidence concerning the Commission from King James, which is remarkable: It was told you, that he askt Chernock whether he had seen the Commission: he said no, but Sir William Parkyns had: and Sir William Parkyns was askt by Porter, as they were sitting by the fire-side whether he had seen the Commission, and Sir William Parkyns answered, that he had seen it, and had read it, and it was written with King James's own hand; and that the Substance of it was to make War upon the Person of the Present King, who was called in the Commission as you

may suppose the Prince of *Orange*. So that, Gentlemen, as to the discovery of the Assassinating the King, and of this Commission which was understood by them to be for that purpose. This is the Summ and Substance of *Porter's* Evidence so attended with, and confirmed by these Circumstances, as you have heard.

Besides the other Witnesses, *Sweet*, who was a great Acquaintance of *Sir William Parkyns*, tells you, That about *Christmas* last, he was informed by *Sir William Parkyns*, That the King would land, which he understood to be meant of King *James*. He ask'd *Sir William Parkyns* how he knew it? and he said, He had his Word for it; and that his Troop consisted of Old Soldiers, and he had Thirty Saddles; and besides, there would be some Volunteers, which were Old Officers. Then he said, He was to go into *Leicestershire*, and he did go with one *Scudamore*; and this was in *January*, about the latter end, as I remember. They lay that Night at *Stony-Stratford*, and the next Night at *Leicester*, and *Scudamore* went with him; and afterwards one *Tarborough*, and a Parson, came to him out of *Yorkshire*: And when he came back he said, He found all there to be very well; and the West was as well inclined to the King's Interest, as the North; and a Lord's Brother was concerned.

Then in the next place you are told, That at *Michaelmas* last *Mr. Chernoock* did write a Letter to one *Haywood*, who had married his Sister, and lived near *Sir William Parkyns* in *Warwickshire*, to desire him to receive some Goods into his House that were to come from *Sir William Parkyns's*, and lay them up very carefully, for they were choice Goods, which *Sir William* durst not leave in his own House, because he had left it. And accordingly there were these Boxes, and Chests sent to *Haywood's*, and received by him into his House, where they continued till the latter end of *February*. *Haywood* about this time, when the Design of the Assassination was on foot, met with *Sir William Parkyns* in Town, and ask'd him how he would dispose of those Goods? Thereupon *Sir William Parkyns* sent his Servant into the Country; and notice was given on *Alb-Wednesday*, the *Wednesday* after the first Proclamation that issued upon the Discovery of this Conspiracy, that these Goods should be removed: And a Man, in the Evening, went to *Haywood's* House with a Cart and Horses, and removed these Chests; they were Three in number; and those being opened, there were Eight lesser ones taken out, and carried away about Nine or Ten a Clock at Night, to *Sir William Parkyn's* House in *Warwickshire*, where they were buried in the Garden, and afterward were dug up, which was at the Searching *Sir William's* House upon the Breaking-out of the Plot; and when they were open'd, it did appear what sort of Goods they were: They were Arms, a considerable Quantity of them; Four Dozen of Swords without Hilt, Twenty five Pair of Pistols, and a great number of Carbines, Thirty two as I remember, and a parcel of Hilt's pack'd up in a Box by themselves. This, Gentlemen, is sworn to you by the Persons that were present at the digging them up, and opening the Boxes.

Then, Gentlemen, you are told, That though *Sir William Parkyns* pretends they were Arms that he found in the House when he came thither, yet they were not old rusty Arms, as he pretends, but they were very bright, and fit for Use and Service.

There is one Circumstance more that seems to affect *Sir William Parkyns*, about the Business of the Assassination; and that is proved by *Eubank*, *Sir William's* own Servant. There was a Note sent upon *Saturday*, the 22d. of *February* in the Morning, to one *Brown*, at *Kensington*, by *Sir William Parkyns's* Man; and this *Brown* writ in the Servant's Almanack, that he would be in Town himself in a little time, and bid him carry it to a Man, that lodged at a Confectioners over-against *Grey's-Inn Gate* in *Holbourn*: *Sir William Parkyn's* Man accordingly goes to this Confectioners, and speaks with the Person there that he was directed to go to; and he says he was a Scotch Man, and talk'd broad like a Scotch Man, and he bid him go and tell his Master, That he would stay within for him till he came; and he did accordingly.

Gentlemen,

Gentlemen, This is the Sum and Substance of the Evidence that is given against Sir *William Parkyns*. Now we are to consider what Sir *William* says for himself: He does admit, and agree, That what *Porter* says is very positive and full; but that is but the Evidence of one Witness: For, says he, by the Law no Person ought to be convicted of High-Treason, upon the Testimony of one Witness. As to the Matter of Law he is in the right; No Man ought to be convicted of Treason upon the Testimony of a single Witness. Now first suppose the Design to Assassinate the King had not been proved; consider then whether there be not Two Witnesses besides. *Porter* proves, That *Cbernock*, was sent into France by Sir *William Parkyns*, and others, upon that Errand; to which, if you add the Testimony of *Sweet*, that swears, That Sir *William Parkyns* told him the King wou'd Land, and he had a Troop, and had bought Saddles; and what is said concerning his going into *Leicester-shire*, and his having a Quantity of Arms: If all which be understood in pursuance of the Design against His present Majesty, then there are at least Two Witnesses of several Overt-Acts of the same Treason.

For, Gentlemen, I must tell you, tho' there had been no Evidence of a Design to Assassinate the King, but the Design and Purpose had been to Depose him, and set the late King upon the Throne, or join with a Force to invade the Realm, that is High-Treason within the Statute of 25 *Edw.* the Third, as being Designing the Death and Destruction of the King. There hath been a full Proof by Two Witnesses if what *Sweet*, and the other Witnesses besides *Porter* say, doe prove Sir *William Parkyns*, to be concerned in that Design, which shall be Considered further of by and by.

But in the next place, suppose that the Meetings at the Kings-head in *Leaden-Hall Street*, and at *Mountjoy's* had not been proved: but the Design to Assassinate the King is proved by one Witness, and the providing Men and Arms to fight against him is proved by one other Witness: This is a Proof of the same Treason; for though the Overt-acts be several, yet they both tend to the same end, the Destruction of the King, though in a different manner; and though the Law requires two Witnesses to the same sort of Treason, yet it does not require two Witnesses to any one Overt-act. For if one Witness prove one Overt-act at one time, and another Witness prove another Overt-act at another time, these are two Witnesses within the meaning of the Law: and so it has been always practised, and never denied to be Law that I know of.

Besides it is observable upon this point, which my Brother has mentioned, that this new Act of Parliament, which does not yet take effect, provides, That there shall be either two Witnesses to one Overt-act, or one Witness to one, and another to another of the same Species of Treason; and you have had the Opinion of all us now that are here, that these are Overt-acts of one and the same Species of Treason.

But then Sir *William Parkyns* objects, That *Sweet* does not prove any Overt-act. Now for that, you are to consider the Force of *Sweet's* Evidence, who tells you the Discourse of Sir *William Parkyns*, about *Christmas's* last, of the late King's Landing, of his Saddles, and of his Troops consisting of Old Soldiers, and Volunteers that were Old Officers: But says Sir *William Parkyns*, this is only Words, and Words are not Treason: But then consider, that they are Words that relate to Acts and Things. You hear he had a great Quantity of Arms, beyond what he, as a private Man, could have Occasion for, or would use. He does not give you any account what he was to do with those Arms, or to what purpose should he keep them, nor why he caused them to be removed in the night after they had lain privately in *Haywood's* house, and caused them to be carried back to his own house, and buried them in the Ground, and at such a time when there was a Plot, and after the Plot was discovered, and a Proclamation out for his own Apprehension.

Sir *William Parkyns's* Discourse with *Sweet*, of King *James's* Landing, and his Troop consisting of such Men, plainly shews what those Arms were for.

For

For, Gentlemen, Mens Discourses, and their Words explain their Actions; and an indifferent Action may be explained by Words. It is lawful for a Man to buy a Pistol; but if it can be plainly proved from his words, or his speeches that he designed the use of it against the Person or Life of the King, that will be an Overt Act. Now when Sir William Parkyns said, The late King would Land, and that he had a Troop which consisted of such Soldiers; then these Arms being found in that manner, I must leave to your Consideration whether it is not a Proof, for what purpose he did provide them, and to what Use he intended to put them; especially since he gives you no Account, what Use or Occasion he had for them. He says, indeed, he found them in the house two years ago, how probable that is, you may consider.

Then there is another thing, his going into Leicestershire with Scudamore and his meeting there with Tarboyngh and other People in that private and hasty manner. He went out on the Thursday, and came home again upon Monday Night; and then he meets with Sweet, and tells him that all was well; and the West was as well inclined to the King's Interest as the North: What King must he mean? he had no Commission from King William to go into Leicestershire to discourse with People, to see how they stood affected to his Interest. Sweet comes and tells you, that when Sir William Parkyns spoke of the King, he understood he meant King James. I must leave it to your Consideration, how you will interpret these Words.

It is true Gentlemen, it is not fit there should be any strain'd or forc'd Construction put upon a Man's Words or Actions, when he's Tryed for his Life. You ought to have a full and a satisfactory Evidence to convince you, that he is Guilty, before you pronounce him so; but however you are to consider the Nature of things, and the Circumstances that attend them. If you can suppose that he went into Leicestershire, to King William's Friends, and that he was of Opinion, the West was as well Affected to King William, as the North; then you make a different Construction from Sweet who tells you, that always when he spake of the King, he understood it of King James; and at Christmas, when he spoke of the King's Landing, it must be meant King James, for King William was here before; and he pretends not he had any Authority to Raise a Troop for King William.

So that Gentlemen, I must leave it to you upon the whole matter; if you are satisfied, that Sir William Parkyns is Guilty of the Matters of which he stands Charged, you will find him Guilty, you have heard the Evidence, and will consider of it, if upon the whole, you are not satisfied, that he is Guilty of the Matters Charged in this Indictment, then you are to acquit him.

Then an Officer being Sworn to keep the Jury according to the Custom, they withdrew, to consider of their Verdict, and in less then half an Hour, returned again into Court.

Cl. of Arr. Gentlemen of the Jury, Answer to your Names, William Northey.

Mr. Northey. Here, &c. and so of the rest.

Cl. of Arr. Are you all agreed on your Verdict.

Jury. Yes.

Cl. of Arr. Who shall say for you?

Jury. Our Foreman.

Cl. of Arr. Sir William Parkyns, hold up thy Hand, (which he did.) Look upon the Prisoner; how say ye, is he Guilty of the High-Treason whereof he stands Indicted or not Guilty?

Foreman. Guilty my Lord.

Cl. of Arr. What Goods or Chattels, Lands or Tenements had he at the time of the High-Treason committed, or at any time since?

Foreman. None to our Knowledge.

Jaylor. Look to him, he is found Guilty of High-Treason.

Cl. of Arr.

Cl. of Arr. Then hearken to your Verdict, as the Court hath Recorded it. You say Sir William Parkins is Guilty of the High Treason, whereof he stands Indicted, but that he had no Goods, or Chattels, Lands, or Tenements, at the time of the High Treason Committed, or at any time since to your Knowledge, and so you say all

Jury. Yes.

Cl. of Arr. Gentlemen, the Court Discharges you, and thanks you for your Service.

While the Jury was withdrawn to consider of the Verdict, Sir John Friend was brought from Newgate to the Bar, in order to his being called to Judgment, and after the Verdict, he Addressed himself to the Court thus,

Friend. My Lord I humbly beseech your Lordship to give leave to Read this Paper.

[To which the Court gave no Answer.]

Friend. My Lord, will your Lordship give me leave to Read it.

L. C. J. H. Ay, if you will.

[Reads.]

Friend. My Lord, I humbly move in Arrest of Judgment, that I am not Convicted of Treason by Two Witnesses, as I ought to have been within the Stat. of 25 Ed. 3. for Mr. Porter swears, that I with others, in May or June last, sent to the French King to Invade England; he is the only Witness to that matter. Mr. Blaire swears, that I shewed him a Commission in Surry-street, about 2 Years since, Sign'd by King James, and Counter-sign'd Melfort, to be a Colonel of Horse, and that I gave him some Moneys, for the Cherishing of the Men. My Lord, here is no Levying of War, Sworn by Mr. Blair; and Conspiring to Levy War not being Treason, I am Convicted by one Witness, and therefore I pray Council may be Assigned me, to plead this matter.

L. C. J. H. Sir John Friend, that which you move now, is not in Arrest of Judgment, it is matter that does arise upon the Evidence, and what you now say, Arraigns the Verdict, and the Proceedings upon your Tryal. There were Two Witnesses against you, that it is plain. You were not Indicted for Levying of War, but for Compassing and Imagining the Death of the King; and we told you the design of the Invasion, and Conspiring to Depose the present King, and Restore the late King, was an Overtact of that High Treason. The Commission was not so much stood upon; but the Advancing Moneys upon this Account, to Blaire your Lieutenant Colonel; to give to the Men, that was a plain Overt Act, and so there were certainly Two Witnesses against you.

Friend. My Lord, I hope, I can clear my self: I thank God, I am as Innocent as the Child un-born, of the Assassination of the King. I would not have the People think that I am such a Man.

L. C. J. H. But you remember, it was sworn you knew of it, and we have told you, that the design of Restoring the late King by Force, and Deposing the King, are Overt Acts of imagining his Death, if such an Intention be proved, as it was in your Case, and the Jury have found it so.

Friend. My Lord, I humbly beseech you, because I do not understand matter of Law, and am advised to move this in Arrest of Judgment; I desire my Council may be heard to it.

L. C. J. H. We cannot hear Council, but upon a matter that arises upon the Record it self, that is, the Indictment. We cannot enter into any Examination of this matter, that you now speak off, you had a long Tryal Yesterday.

Friend. My Lord, I am sorry to give your Lordship any occasion of trouble; but I humbly beseech you, if it may be that I may be heard by my Council, for the satisfaction of the World; pray my Lord hear what they can say.

L. C. J. H. They cannot say any thing; no Council in the World that understand themselves, can Argue any thing against what has been so often Settled, and always Practised.

Friend. My Lord, if it be to be granted, I beseech your Lordship to grant it.

L. C. J. H. It cannot be granted; besides the matter you now move upon, is improper it was all considered upon your Tryal. It was told you, we did all agree, that a Conspiracy to Levy War to Depose the King is Treason, or to Invade the Realm is Treason. All this was consider'd at your Tryal, and that is now over.

Parkyns. My Lord, if your Lordship pleases, I desire I may have the Liberty of some Friends and Relations, and a Minister to come to me.

L. C. J. H. Yes, yes, by all means.

Parkyns. If your Lordship pleases, that they may come and be private with me, and pray let me have a Rule of Court for it, otherwise I shall not have any benefit of it.

L. C. J. H. Yes, yes, it is very fit you should have it; there shall be an Order of Court for it; see that the Keeper take care it be done with safety.

Friend. My Lord, I desire the same Liberty of a Minister. and my Relations and Friends

to come to me; that for what time I have to Live, I may make the best use I can of it for my Soul, which I hope God will enable me to do.

Then the Court was Adjourned until 5 a Clock in the Afternoon, and about 8, the Justices returned, and the Court was Resumed.

Cl. of Arr. Set Sir John Friend to the Bar, (which was done.) Sir John Friend, hold up thy Hand, (which he did.) Thou standest Convicted of High Treason, for Trayterously Compassing and Imagining the Death of our Sovereign Lord King William the Third. What canst thou say for thy self why the Court should not give the Judgment according to the Law. *[Then being made to Kneel, he afterwards stood up.]*

Friend. I have said already, what I have to say in Arrest of Judgment.

Mr. Com. Serj. Sir, you have heard the Judgment of the Court, as to what you have said, if you have nothing else to offer, the Court must proceed to Judgment.

Cl. of Arr. for Mid. Sir William Perkins, hold up thy Hand, (which he did.) Thou standest Convicted of High Treason, in Compassing and Imagining the Death of the King, and Adhering to the King's Enemies. What canst thou say for thy self, why the Court should not give thee Judgment to die, according to the Law?

He was made to Kneel, and rise up again.

Parkyns. I have nothing more to offer.

Cl. of Arr. Then Cryer make Proclamation.

Cryer. O yes; all manner of Persons are Commanded to keep Silence, while Judgment is giving, upon pain of Imprisonment.

Which Proclamation was made on both sides the Court; and then Mr. Common Serjeant, sitting with the rest of the Court upon the Bench, Pronounced the Sentence.

Mr. Com. Ser. You the Prisoners at the Bar, Sir John Friend, and Sir William Parkyns, you have been Indicted for High Treason; in Compassing the Death and Destruction of the King: For your Tryal, you have put your selves upon the Country, which Country has found you Guilty. The Offence is the greatest in the Judgment of the Law, that a Man can commit; and it is Justly and Reasonably so. For Robbery and Murder are Injuries to private Persons, but Compassing the Death of the King, is Compassing the Destruction of the Father of your Country, and letting in Rapine, Death, and Desolation, upon Thousands of People. And even this, the Hainouest of Offences, is capable of Aggravation; for there have been always Excuses, and sometimes Justifications for Rebellion; and as to Murder and private Revenge, there may be somewhat said in Mitigation from the Violence of Men's Passions. But to Sit, and Conspire, and Consume, and Debate the Destruction of a Prince; no Man yet ever had the Confidence to make an Excuse for it; I would not add to your Affliction: I am sensible of the severe Judgment, that is to follow, and which you have brought upon your selves; and cannot but Pity you for the great burden of Guilt, that you have laid your selves under. I only say this, to offer it to your serious Consideration, in the few Moments you have to prepare for another World, and another Judgment. All that remains for me, is to Pronounce the Judgment of the Law in these Cases, and the Court does Award it.

That you, and each of you, go back to the place from whence you came; and from thence be drawn on a Hurdle, to the place of Execution, where you shall be severally Hang'd up by the Neck, and Cut down Alive; your Bodies shall be Ript open, your Privy Members Cut off, your Bowels taken out, and burnt before your Faces; your Heads shall be Severed from your Bodies, your Bodies respectively to be Divided into Four Quarters, and your Heads and Quarters are to be at the Disposal of the King, and the Lord have Mercy upon your Souls.

Then the Prisoners were carried back to Newgate.

*A true Copy of the Papers delivered by Sir John Freind;
and Sir William Parkyns, to the Sheriffs of Lon-
don and Middlesex, at TYBURN, the place of
Execution, April 3. 1696.*

Sir JOHN FREIND's Paper.

K Nowing that I must immediately give Account to God of all my Actions, and that I ought to be especially careful of what I say in these Last Hours, I do solemnly profess, That what I here deliver, is from my very Soul, with all the Heartiness and Sincerity of a dying Christian.

The Cause I am brought hither to suffer for, I do firmly believe to be the Cause of God and True Religion, and, to the best and utmost of my Knowledge and Information, agreeable to the Laws of the Land, which I have evermore heard to require a firm Duty and Allegiance to our Sovereign; and that as no Foreign, so neither any Domestick Power can alienate our Allegiance. For it is altogether new and unintelligible to me, That the King's Subjects can depose and dethrone him on any account, or constitute any that have not an immediate Right in his place. We ought, I think, not to do this; and surely when it is done, to assist him in the Recovery of his Right, is justifiable, and our Duty. And however things may seem at present, I do believe, I am sure I heartily pray, That he shall be one day Restored to his Rightful Throne and Dominions.

As for any sudden Descent of His Majesty upon these His Dominions, in order to the Recovery of them, I declare I had no certain Knowledge of it, nor can I tell what grounds there was to believe it, so little Reason had I to be in a present Preparation for it. I suppose it is not expected I should here endeavour to clear my self of the Assassination, which was not the thing alledge'd against me; however, it was mentioned, through what means I know not: As it was insinuated to my Disadvantage, I forgive such as were therein instrumental: And I do also from the very bottom of my Soul, freely forgive, and beg of God to do so too, such as were any ways accessory towards the taking away my Life, which I really look upon to be their Misfortune more than mine.

I profess my self, and I thank God I am so, a Member of the Church of England, though, God knows, a most unworthy and unprofitable part of it; of that Church which suffers so much at present for a strict Adherence to Loyalty, the Laws, and Christian Principles.

For this I Suffer, and for this I Dye.

Though I have a perfect Charity for People of all Professions, and do heartily wish well, and would endeavour so to do, to all my Fellow-Subjects, of what Persuasions soever. And indeed, I have met with a great deal of Uprightness and Sincerity among some People of very different Opinions in Religious Matters.

And I hope and desire it may not be taken as an uncharitable Censure, or undue Reflection, that I objected to the Legality of Popish Evidence, being advised so to do for my better Security, upon the Foundation of a Statute-Law.

Having own'd my self a Member of the Church of England, I must take this opportunity, and I do it for God's Glory, to apply my self to you that are Royalists of that Church, and of the same Faith and Principles with my self: And I beg of you for God's sake, and the love of your Souls, to be very constant and serious in all Religious Offices, and holy Duties of Divine Worship and Service; which I have too much neglected, as I own, to my great Sorrow: Let no Excuse, no Dangers, prevent or hinder you in these most necessary and serious Matters, and be, I beseech you, very careful and circumspect in all your Actions, Behaviour and Conversation, as I earnestly exhorted all that came to me.

I have, I thank God, a great deal of Satisfaction in my present Sufferings, and have found it so ever since I have been under them: And blessed be God it doth continually increase upon me. And I do now lay down my Life with all Chearfulness and Resignation, in sure and certain Hope of a Resurrection to Eternal Life, through our Lord Jesus Christ, through whose Merits alone I hope for the Pardon of my Sins, and the Salvation of my Soul.

And so, O Lord, into thy Hands I commend my Spirit, for thou hast redeemed me, O Lord, thou God of Truth.

And I do heartily and humbly beseech Thee, Almighty God, and my most Gracious Father, to forgive and bless this Sinful Nation, deliver it from the Guilt of Rebellion, Blood and Perjury;

1696

that is now on all sides more than ever, and from all those other heinous Sins which cry aloud for Pardon and bless this Church. Comfort our distressed King; Restore him to his Right, and his Misdemeanours to their Allegiance: Bless also his Royal Consort, our Gracious Queen Mary; his Royal Highness the Prince of Wales, that he may grow in Stature, and in Favour with God and Man; Support and strengthen all those that suffer in any kind for a good Cause; Give them Patience under all their Afflictions, and a happy Deliverance out of them.

Forgive all mine Enemies. Pardon my former Neglect, and Remissness in Religious Worship, and Holy Duties, and all the Sins I have been Guilty of to this very Moment. Consider my Contrition, Accept my Tears; and now Thou art pleased to take me hence, take me into thy Favour, and Grant that my Soul may be without Spot presented unto Thee, through the Merits of thy most dearly beloved Son, Jesus Christ our Lord. Amen.

John Freind.

Sir WILLIAM PARKYNSS Paper.

I Thath not been my custom to use many Words, and I shall not be long upon this Occasion; having Business of much greater Consequence to employ my Thoughts upon.

I thank God I am now in a full Disposition to Charity, and therefore shall make no Complaints, either of the Hardships of my Trial, or any other Rigours put upon me. However, one Circumstance I think my self oblig'd to mention; it was sworn against me by Mr. Porter, That I had own'd to him, that I had Seen and Read a Commission from the King, to Levy War upon the Person of the Prince of Orange: Now I must declare, That the Tenour of the King's Commission, which I saw, was general, and directed to all His Loving Subjects, to Raise and Levy War against the Prince of Orange and his Adherents, and to Seize all Forts, Castles, &c. Which, I suppose, may be a customary Form of giving Authority to make War; but I must confess, I am not much acquainted with Matters of that Nature: But as for any Commission particularly levelled against the Person of the Prince of Orange, I neither saw nor heard of any such.

It's true, I was privy to the Design upon the Prince, but was not to act in it, and am fully satisfied that very few, or none, knew of it, but those who undertook to do it.

I freely acknowledge, and think it for my Honour to say, That I was entirely in the Interest of the King, being always firmly persuaded of the Justice of his Cause, and look upon it as my Duty, both as a Subject, and an Englishman, to assist him in the Recovery of his Throne, which I believed him to be deprived of, contrary to all Right and Justice; taking the Laws and Constitution of my Countrey for my Guide.

As for my Religion, I dye in the Communion of the Church of England, in which I was Educated.

And as I freely forgive all the World, so whoever I may any ways have injured, I heartily ask them Pardon.

Apr. 3. 1696.

William Parkyns.

And on Friday the Third of April, the said Sir William Parkyns and Sir John Friend, were Executed at Tyburn, according to the Sentence.

F I N I S.

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